

# EPC COMMISSION MINUTES & AGENDA

MONTH October

YEAR 1993

File Name ADM-177 RECORD COPY EPC Meeting  
Oct. 1993  
yes

MINUTES  
OF THE  
ENVIRONMENTAL PROTECTION COMMISSION  
MEETING

OCTOBER 18, 1993

WALLACE STATE OFFICE BUILDING  
DES MOINES, IOWA

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on October 18, 1993, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

Verlon Britt  
William Ehm  
Richard Hartsuck, Chairperson  
Rozanne King  
Charlotte Mohr  
Gary Priebe  
Nancylee Siebenmann, Secretary

### MEMBERS ABSENT

Margaret Prah  
Clark Yeager, Vice-Chairperson

Clark Yeager phoned and said he would not be able to attend the Commission meeting today.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Dell Oil Company (Item #18) 1:00 p.m.
- Delete: Items #11 and #13

Allan Stokes noted that Item #11 (Ag Drainage Well Permit rules) still need to be finalized and will be brought to the Commission at the November meeting. Item #13 dealing with rules for SO<sub>2</sub> emissions in Muscatine will come before the Commission at the December meeting as staff are continuing to work with industry to resolve specific issues.

*Motion was made by William Ehm to approve the agenda as amended. Seconded by Charlotte Mohr. Motion carried unanimously.*

APPROVED AS AMENDED

### APPROVAL OF MINUTES

Rozanne King stated that the last sentence on bottom of page 1, referring to a roll call vote taken during the August meeting should state that she voted "Nay" and William Ehm voted "Aye."

*Motion was made by Charlotte Mohr to approve the meeting minutes of September 20, 1993, as amended. Seconded by Rozanne King. Motion carried unanimously.*

APPROVED AS AMENDED

### FISCAL YEAR 1995/96 BUDGET REQUEST

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is a draft of the staff recommendation regarding the FY95/6 operations budget request. Each Commission has the statutory responsibility for approving budget requests to the Governor and the General Assembly for programs under their respective purview.

For operations, the DNR is requesting \$12.4 million annually for FY95 and FY96 from the State General fund. This compares to an actual appropriation total for operations of \$12.3 in FY93 and \$12.5 in FY94. The remainder of the budget is comprised of Fish and Wildlife revenues, the Groundwater program, federal aid, and various receipts. Compared to FY93/4, no significant increases in either revenues or expenditures are anticipated or requested for agency operations.

The DNR has an established limit of 780 full time permanent positions. The request is based on no staffing increase. In total dollar terms, the DNR is proposing an operating budget for FY95 of \$52.2 million. This compares to \$48.6 million in FY94 and actual expenditure of \$44.9 million in FY93. Most of the increase relates to programs the Fish and Wildlife division, and the EPD division. These increases are funded from federal and earmarked revenue sources outside of the State General fund.

The first 3 pages of the attachment list, in priority order, the DNR's proposed request from 75% of the current budget to the total of the request in decision package priority order. The "base" budget includes the highest priority program elements funded with no more than 75% from the State General fund and appropriated Fish and Wildlife revenues. The "base" also includes programs funded entirely with federal or other earmarked revenues. Thus, the decision packages comprise program elements funded primarily with General Fund or Fish and Wildlife sources.

With the exception of package #20, all involve restoring program elements to the current level.

The remainder of the attachment involves summary revenues and expenditures for DNR operations, (pages 4 & 5), and each division presented separately. These are the primary schedules in which the DNR's request is presented to DOM and the Governor, and is based on the system and instructions provided by DOM to all agencies.

The Natural Resource Commission is also considering the 5-year capital plan. This plan is based on \$8.0 million for the REAP program, \$1.6 for the Marine Fuel Tax program, and current levels for Fish and Wildlife capitals. Planned FY94 and FY95 capital expenditures also include \$4.5 from FEMA for flood-related work, with the 10% match coming from with the current levels of capital funding.

The proposed budget recommendations are also being reviewed with the Department of Management. This staff intends requesting approval from each commission at the November meetings. Any adjustments which may occur before or at that point will be provided to DOM.

The staff will do their best to provide additional information at or subsequent to presentations to the commissions in October. Previous budget history and FY94 estimates were provide to each commission at earlier meetings this summary. The staff's intent to propose a DNR budget request which reflected current levels of funding and activity was also made know at those meetings.

(Budget Worksheets are shown on the following 12 pages)

NATURAL RESOURCES, DEPARTMENT OF NATURAL RESOURCES NATURAL RESOURCES DEPT. OPS. 94001542672		STATE OF IOWA DEPARTMENT OF MANAGEMENT BUDGET WORKSHEETS FOR 1995-1995 BIENNIAL RANKING SCHEDULE- BUDGET UNIT		SCHEDULE 1 BUDGET UNIT (RANKING SCHEDULE) DATE 09/30/93 TIME 22:40:03 PAGE 22	
RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1994 - 1995		TOTAL DEPT REQUEST FY 1995 - 1996	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
	BASE	\$ 43,604,594 ( 733.41)	CF \$ 9,583,946 OT 17,441,281	\$ 43,618,290 ( 733.41)	CF 0 OT 17,440,406
	Maintain only essential services associated with natural resource protection, recreation and preservation.				
0001	Restore staffing at 19 state parks to resume campground operation, park security and visitor services at intermediate park management levels.	1,426,740 ( 22.00)	CF 1,426,740	1,426,740 ( 22.00)	CF 1,426,740
0002	Restore Big Springs Hatchery as well as statewide enforcement and public land management activities.	1,071,425 ( 19.00)	OT 1,071,425	1,071,925 ( 19.00)	OT 1,071,925
0003	FLOOD PLAIN Restore flood plain program by providing for state supervision of flood plain construction activities.	271,569 ( 5.25)	CF 271,569	271,800 ( 5.25)	CF 271,800
0004	Restore Yellow River, Stephens, Shinnick state forest operations as well as forestry management assistance to land owners.	187,668 ( 3.00)	CF 187,668	187,668 ( 3.00)	CF 187,668
0005	Restore administrative support, license, finance, and data processing staff required to maintain basic support for essential departmental activities.	838,998 ( 19.00)	CF 259,327 OT 579,671	839,000 ( 19.00)	CF 259,328 OT 579,672
0006	Restore gauging stations and geologic and hydrologic data used for development, management and conservation of water and mineral resources.	362,332 ( 5.50)	CF 362,332	363,056 ( 5.50)	CF 363,056
0007	Restore Fire Protection and Urban Forestry programs as well as 782 of the Department's state forest management capabilities.	174,811 ( 4.83)	CF 174,811	174,811 ( 4.83)	CF 174,811
0008	Restore wildlife extension work with local landowners, fish management/stocking and law enforcement activities.	1,070,640 ( 20.00)	OT 1,070,640	1,070,640 ( 20.00)	OT 1,070,640

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## Environmental Protection Commission Minutes

NATURAL RESOURCES, DEPARTMENT OF  
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NATURAL RESOURCES DEPT. OPS.  
94001542072

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1995-1995 BICENNIAL  
RANKING SCHEDULE- BUDGET UNIT

SCHEDULE 2 BUDGET UNIT  
(RANKING SCHEDULE)  
DATE 09/06/95 TIME 22:40:05  
PAGE 13

RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1994 - 1995		TOTAL DEPT REQUEST FY 1995 - 1996	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
0009	WATER RIGHTS Restore water withdrawal program by providing for state supervision of water use activities.	0 ( 115,997 2.50)	GF 0 115,997	0 ( 115,999 2.50)	GF 0 115,999
0010	Restore staffing at Bellevue and Lake Darling to resume operations, park security and visitor services at intermediate park management levels.	( 75,000 2.00)	GF 75,000	( 75,000 2.00)	GF 75,000
0011	Restore staffing at Boode Lake and Mines of Spain to resume operations, park security, and visitor services at intermediate park management levels.	( 75,000 2.00)	GF 75,000	( 75,000 2.00)	GF 75,000
0012	USGS COOPERATIVE AGREEMENT Restore sediment stations to monitor sediment (erosion) load of streams; and to restore collection and analysis of water-use data.	72,467	GF 72,467	72,467	GF 72,467
0013	PUBLICATIONS Restore field information and education activities resuming TV, radio, periodical and brochure contact with the public concerning DNR programs.	( 100,659 2.00)	GF 32,598 OT 76,061	( 100,659 2.00)	GF 32,598 OT 76,061
0014	Restore mississippi monitoring program and fish and wildlife research activities as well as recreational safety programs.	( 1,177,256 19.00)	OT 1,177,256	( 1,177,256 19.00)	OT 1,177,256
0015	Restore state forest management activities to 100% of current FY 94 level of service.	( 55,634 1.00)	GF 55,634	( 55,634 1.00)	GF 55,634
0016	Restore part-time help required to maintain day to day wildlife, and fisheries facilities as well as boating navigation enforcement activities.	( 1,060,634 59.00)	OT 1,060,634	( 1,060,634 59.00)	OT 1,060,634
0017	PUBLICATIONS Restore publishing support for brochure, magazine and news release preparation.	( 30,447 1.00)	GF 11,534 OT 26,913	( 30,447 1.00)	GF 11,534 OT 26,913
0018	PUBLICATIONS Restore Media Link electronic news release services.	15,000	GF 4,500 OT 10,500	15,000	GF 4,500 OT 10,500

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NATURAL RESOURCES, DEPARTMENT OF  
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STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1995-1995 BICENNIAL  
RANKING SCHEDULE- BUDGET UNIT

SCHEDULE 1 BUDGET UNIT  
(RANKING SCHEDULE)  
DATE 09/30/95 TIME 22:40:05  
PAGE 14

RANK	DESCRIPTION	TOTAL DEPT REQUEST FY 1994 - 1995		TOTAL DEPT REQUEST FY 1995 - 1996	
		EXPEND/FTE	APPROPRIATION	EXPEND/FTE	APPROPRIATION
0019	MW DISTRICT PARKS MGMT Restore extra help to 13 state recreation areas to maintain area facilities for day to day use.	0 ( 80,000 5.65)	GF 0 80,000	0 ( 80,000 5.65)	GF 0 80,000
0020	FISH AND WILDLIFE DIV. MGMT Provide additional funding to increase fish and wildlife division-wide equipment, maintenance and printing budgets by 2%.	350,000	OT 350,000	350,000	OT 350,000
TOTAL		0 ( 52,230,071 920.62)	GF 0 12,707,125 OT 22,864,301	0 ( 52,246,024 920.62)	GF 0 12,704,771 OT 22,864,805

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STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL  
BU / FUND - BUDGET COMPARISON

SCHEDULE 6 BU/F RECAP  
(BUDGET COMPARISON)  
DATE 10/01/93 TIME 23.00.55  
PAGE 1

	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
<b>RESOURCES</b>						
<b>APPROPRIATIONS</b>						
GMF-BIR SPRINGS MONITORING-D	610,837	489,710	235,028	229,202	228,562	228,561
GMF-GEN'L PROVISIONS-DNR	549,391	602,042	214,016	25,000	25,000	25,000
GMF-STORAGE TANKS STUDY-DNR	153,245	160,320	4,724	141,070	138,702	139,050
GMF-HOUSEHOLD WASTE-DNR	101,154	99,875	203,190	214,327	215,502	215,502
GMF-HELL TESTING ADMIN 22-DNR	74,486	59,126	45,766	40,839	40,544	40,550
GMF-GWTE MONITORING-DNR	844,711	1,104,381	1,283,622	1,443,064	1,444,870	1,444,511
GMF-WASTE MGMT AUTH.-DNR	64,480					
GMF-LANDFILL ALTERNATIVES-DNR	84,921	22,146	100,976	111,295	110,755	110,755
WASTE REDUCTION & ASSISTANCE			32,628	114,842	114,280	116,475
OF-NATURAL RESOURCES OPERINGS			1,981,119		12,375,612	12,383,460
ADMINISTRATIVE SERV-DNR			5,362,508	1,877,244		
PARKS & PRESERVES-DNR			1,326,508	5,424,940		
FORESTRY DIV-DNR			1,326,508	1,443,518		
ENERGY & GEOLOGY-DNR			1,326,508	1,443,518		
ENVIRONMENTAL PROT-DNR			1,326,508	1,443,518		
FEG-DNR ADMIN EXPENSES			1,326,508	1,443,518		
UFT ADMINISTRATION MATCH			1,326,508	1,443,518		
OF-MARINE FUEL TAX OPER			1,326,508	1,443,518		
NFT-OPERATIONS-DNR			1,326,508	1,443,518		
	400,000		411,311	411,311	411,311	411,311
<b>APPROPRIATIONS SUBTOTAL</b>	<b>2,903,045</b>	<b>2,624,013</b>	<b>34,405,225</b>	<b>35,533,321</b>	<b>35,651,504</b>	<b>35,650,776</b>
<b>RECEIPTS</b>						
FEDERAL SUPPORT	7,236,774	7,401,390	7,921,398	9,614,742	9,587,619	9,592,161
INTRA STATE RECEIPTS	4,584,882	4,371,574	7,010,276	6,351,604	6,142,446	6,345,445
REIMB. FROM OTHER AGENCIES	47,649	155,411	202,792	104,859	104,319	104,319
FEES, LICENSES & PERMITS		139,790	227,581	53,979	53,868	53,868
REFUNDS & REIMBURSEMENTS	343,568	369,340	550,940	464,572	461,115	461,455
OTHER SALES & SERVICES		7,600	22,774	30,000	30,000	30,000
<b>RECEIPTS SUBTOTAL</b>	<b>12,230,073</b>	<b>12,445,107</b>	<b>14,235,650</b>	<b>16,619,956</b>	<b>16,579,367</b>	<b>16,587,240</b>
<b>TRANSFERS</b>						
GF-DNR OPS APPROP SUMMARY	85,000	58,977				
GEN FUND-COORD & INFO DIVIS	778,996	432,683				
GF-DNR ADMIN SERVCS DIV.	1,657,626	1,222,140				
GF-DNR PARKS & PRESERVES DI	5,175,038	5,117,732				
GF-DNR FORESTRY DIVISION	1,416,679	1,206,118				
GF-DNR ENERGY & GEOLOGY DIV	1,594,449	1,212,801				
GF-DNR ENVIRON PROTECTION D	1,844,444	1,785,925				
FEG-FISH & WILDLIFE APPROP	2,288,004	2,684,741				
FEG-DNR LAW ENFORCEMENT BUR	4,872,379	5,182,404				
FEG-DNR FISHERIES BUR APPRO	4,431,645	4,601,332				

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NATURAL RESOURCES, DEPARTMENT OF  
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NATURAL RESOURCES DEPT. OPS.  
94001542072

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL  
BU / FUND - BUDGET COMPARISON

SCHEDULE 6 BU/F RECAP  
(BUDGET COMPARISON)  
DATE 10/01/93 TIME 23.00.55  
PAGE 2

	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
<b>RESOURCES</b>						
<b>TRANSFERS</b>						
FEG-DNR WILDLIFE BUREAU APP	4,830,389	4,017,793				
FEG-DNR FEG DIVISION MGMT	242,427	456,093				
GF-HFY PARKS OPERATIONS		431,530				
ADMINISTRATION FUND	610,220	425,894				
ENERGY RESEARCH & DEVELOPME		143,843				
<b>TOTAL RESOURCES</b>	<b>5,683,036</b>	<b>4,953,060</b>	<b>48,640,875</b>	<b>52,153,277</b>	<b>52,230,871</b>	<b>52,244,024</b>
<b>FTE POSITIONS</b>	<b>940.90</b>	<b>895.25</b>	<b>899.57</b>	<b>920.62</b>	<b>920.62</b>	<b>920.62</b>
<b>DISPOSITION OF RESOURCES</b>						
<b>EXPENDITURES</b>						
PERSONAL SERVICES	32,471,363	31,391,457	34,475,912	35,182,790	34,910,392	34,925,845
PERSONAL TRAVEL IN STATE	743,742	659,216	590,540	701,020	701,020	701,020
STATE VEHICLE OPERATION	809,810	873,392	861,924	905,517	905,517	905,517
DEPRECIATION	1,140,420	1,210,000	1,280,360	1,352,700	1,352,700	1,352,700
PERSONAL TRAVEL OUT OF STATE		87,025	138,367	247,857	247,857	247,857
OFFICE SUPPLIES	832,979	812,319	844,099	870,502	870,502	870,502
FACILITY MAINTENANCE SUPPLIE	806,949	758,257	824,250	1,000,077	1,050,077	1,050,077
EQUIPMENT MAINTENANCE SUPPLI	832,709	801,174	806,767	781,685	811,685	811,685
PROF. & SCIENTIFIC SUPPLIES	57,000	16,074	1,221	25,750	25,750	25,750
AG., CONSERVATION & MORT SUPP	314,524	502,107	403,617	505,075	553,075	553,075
OTHER SUPPLIES	330,190	355,040	336,072	349,051	349,051	349,051
PRINTING & BINDING	647,390	521,741	525,280	750,866	800,866	800,866
UNIFORMS & RELATED ITEMS	80,070	105,532	144,754	202,452	202,452	202,452
COMMUNICATIONS	605,230	643,141	654,063	650,701	650,701	650,701
RENTALS	150,425	171,125	101,413	203,905	203,905	203,905
UTILITIES	671,435	704,003	596,103	680,567	680,567	680,567
PROF. & SCIENTIFIC SERVICES	2,541,832	2,404,617	2,594,558	3,700,832	3,700,832	3,700,832
OUTSIDE SERVICES	642,250	580,603	715,775	615,529	615,529	615,529
ADVERTISING & PUBLICITY	25,000	10,512	31,544	45,050	45,050	45,050
DATA PROCESSING	312,031	376,250	411,347	452,220	452,220	452,220
AUDITOR OF STATE REIMBURSEME	132,990	146,201	127,712	150,000	150,000	150,000
REIMB. TO OTHER AGENCIES	260,945	260,114	229,045	335,740	335,740	335,740
EQUIPMENT	803,953	1,134,535	1,426,051	1,772,976	1,872,976	1,872,976
OTHER EXPENSE & OBLIGATIONS	4,847	319,086	576,739	575,200	575,200	575,200
HEALTH INSURANCE PREMIUMS			12,012			
BACK PAY INTEREST			9,499			
LICENSES	910	2,270	811	1,047	1,047	1,047
STATE AID	93,250					
<b>EXPENDITURES SUBTOTAL</b>	<b>45,378,030</b>	<b>44,929,342</b>	<b>48,640,875</b>	<b>52,153,277</b>	<b>52,230,871</b>	<b>52,244,024</b>

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NATURAL RESOURCES, DEPARTMENT OF  
NATURAL RESOURCES  
NATURAL RESOURCES DEPT. OPS.94001542672 1000  
DIRECTOR'S OFFICESTATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL  
ORGANIZATION - BUDGET COMPARISONSCHEDULE 6 ORGN RECAP  
(BUDGET COMPARISON)  
DATE 10/01/93 TIME 23.00.35  
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	ACTUAL FY 1 99-92	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
<b>RESOURCES</b>						
<b>APPROPRIATIONS</b>						
OMF-BIG SPRINGS MONITORING-D	1,199	1,000	2,256	2,291	2,287	2,261
OMF-GEN'L PROVISIONS-DNR	2,682	2,666	22,032	25,000	25,000	25,000
OMF-STORAGE TANKS STUDY-DNR	219					
OMF-HOUSEHOLD HAZ WASTE-DNR	520	421	2,538	3,421	3,410	3,415
OMF-HELL TESTING ADMIN 2K-DNR	620	487	779	777	765	768
OMF-OUTR MONITORING-DNR	7,775	9,101	22,324	29,982	29,742	29,859
OMF-LANDFILL ALTERNATIVES-DNR	553	93	1,657	2,098	2,067	2,071
WASTE REDUCTION & ASSISTANCE				2,108	2,122	2,131
OF-NATURAL RESOURCES OPERATIONS						
ADMINISTRATIVE SERV -DNR			435,734	533,838	500,039	508,233
FIG-DNR ADMIN EXPENSES			300,502	156,495		
<b>APPROPRIATIONS SUBTOTAL</b>	<b>13,668</b>	<b>15,748</b>	<b>787,919</b>	<b>955,210</b>	<b>950,222</b>	<b>951,012</b>
<b>RECEIPTS</b>						
FEDERAL SUPPORT	40,023	47,385	334,425	426,957	424,240	424,642
INTRA STATE RECEIPTS	15,187	8,945	406,119	393,669	393,920	394,060
<b>RECEIPTS SUBTOTAL</b>	<b>61,210</b>	<b>56,330</b>	<b>740,543</b>	<b>820,626</b>	<b>818,160</b>	<b>818,722</b>
<b>TRANSFERS</b>						
CF-DNR OPS APPROP SUMMARY	85,800	58,977				
FIG-FISH & WILDLIFE APPROP	130,969	126,632				
<b>TOTAL RESOURCES</b>	<b>291,647</b>	<b>255,687</b>	<b>1,528,462</b>	<b>1,775,836</b>	<b>1,768,382</b>	<b>1,769,734</b>
<b>FTE POSITIONS</b>	<b>4.91</b>	<b>3.58</b>	<b>21.03</b>	<b>21.40</b>	<b>21.40</b>	<b>21.40</b>
<b>DISPOSITION OF RESOURCES</b>						
<b>EXPENDITURES</b>						
PERSONAL SERVICES	243,197	283,874	982,789	993,316	985,862	987,214
PERSONAL TRAVEL IN STATE	30,453	21,049	31,682	52,150	52,150	52,150
STATE VEHICLE OPERATION			5,492	8,431	8,431	8,431
DEPRECIATION			7,860	12,450	12,450	12,450
PERSONAL TRAVEL OUT OF STATE		1,366	6,813	8,900	8,900	8,900
OFFICE SUPPLIES	529	1,547	65,809	89,050	89,050	89,050
FACILITY MAINTENANCE SUPPLIE			175	3,000	3,000	3,000
EQUIPMENT MAINTENANCE SUPPLI	876	1,246	4,027	6,850	6,850	6,850
OTHER SUPPLIES	185	46	41,576	57,150	57,150	57,150
PRINTING & BINDING	13,430	10,891	228,642	312,431	312,431	312,431

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<b>DISPOSITION OF RESOURCES</b>						
<b>EXPENDITURES</b>						
UNIFORMS & RELATED ITEMS			1,175	800	800	800
COMMUNICATIONS		5,256	22,501	29,100	29,100	29,100
RENTALS			303	500	500	500
UTILITIES			161	750	750	750
PROF & SCIENTIFIC SERVICES			53,725	110,216	110,216	110,216
OUTSIDE SERVICES		2,509	36,417	24,100	24,100	24,100
ADVERTISING & PUBLICITY			10,000	10,000	10,000	10,000
DATA PROCESSING	2,301	2,113	10,461	14,050	14,050	14,050
REIMB. TO OTHER AGENCIES	404	140	1,615	6,175	6,175	6,175
EQUIPMENT	272	5,599	26,295	33,817	33,817	33,817
OTHER EXPENSE & OBLIGATIONS		50	367	2,600	2,600	2,600
BACK PAY INTEREST			350			
<b>EXPENDITURES SUBTOTAL</b>	<b>291,647</b>	<b>255,686</b>	<b>1,528,363</b>	<b>1,775,836</b>	<b>1,768,382</b>	<b>1,769,734</b>
<b>REVERSIONS</b>						
UNSPENT BALANCE			<del>1,127,804</del>			
<b>TOTAL DISPOSITION OF RESOURCES</b>	<b>291,647</b>	<b>255,686</b>	<b>1,528,363</b>	<b>1,775,836</b>	<b>1,768,382</b>	<b>1,769,734</b>

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
<b>RESOURCES</b>						
<b>APPROPRIATIONS</b>						
GMF-BIG SPRINGS MONITORING-D	5,752	5,538				
GMF-GEN'L PROVISIONS-DNR	49,474	41,498				
GMF-STORAGE TANKS STUDY-DNR	26,880	5,541				
GMF-HOUSEHOLD HAZ WASTE-DNR	1,620	1,379				
GMF-WELL TESTING ADMIN 2Z-DN	1,940	1,597				
GMF-OUTR MONITORING-DNR	24,311	29,827				
GMF-LANDFILL ALTERNATIVES-DN	2,045	505				
<b>APPROPRIATIONS SUBTOTAL</b>	<b>130,650</b>	<b>83,785</b>				
<b>RECEIPTS</b>						
FEDERAL SUPPORT	304,367	301,798				
INTRA STATE RECEIPTS	85,499	72,361				
<b>RECEIPTS SUBTOTAL</b>	<b>467,966</b>	<b>454,159</b>				
<b>TRANSFERS</b>						
GEN FUND-COORD & INFO DIVIS	778,996	432,683				
F&G-FISH & WILDLIFE APPROP	489,895	415,082				
ADMINISTRATION FUND	618,220	623,894				
<b>TOTAL RESOURCES</b>	<b>2,405,025</b>	<b>1,809,445</b>				
<b>FTE POSITIONS</b>	<b>37.70</b>	<b>27.70</b>				
<b>DISPOSITION OF RESOURCES</b>						
<b>EXPENDITURES</b>						
PERSONAL SERVICES	1,571,501	1,186,262				
PERSONAL TRAVEL IN STATE	25,875	19,552				
STATE VEHICLE OPERATION	10,245	5,976				
DEPRECIATION	14,940	8,360				
PERSONAL TRAVEL OUT OF STATE		5,722				
OFFICE SUPPLIES	72,215	96,975				
FACILITY MAINTENANCE SUPPLIE	14,340	8,082				
EQUIPMENT MAINTENANCE SUPPLI	10,064	1,501				
PROF. & SCIENTIFIC SUPPLIES	18,596					
AG., CONSERVATION & HORT SUPP	412					
OTHER SUPPLIES	48,620	48,189				
PRINTING & BINDING	460,657	308,651				
UNIFORMS & RELATED ITEMS	513	303				

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<b>DISPOSITION OF RESOURCES</b>						
<b>EXPENDITURES</b>						
COMMUNICATIONS	13,496	31,579				
RENTALS	2,011	1,869				
UTILITIES	33,022	215				
PROF & SCIENTIFIC SERVICES	13,468	314				
OUTSIDE SERVICES	91,876	48,292				
ADVERTISING & PUBLICITY	564	9				
DATA PROCESSING	15,792	16,061				
REIMB. TO OTHER AGENCIES	4,627	4,215				
EQUIPMENT	37,289	11,150				
OTHER EXPENSE & OBLIGATIONS		4,589				
<b>EXPENDITURES SUBTOTAL</b>	<b>2,405,025</b>	<b>1,809,446</b>				
<b>REVERSIONS</b>						
<b>TOTAL DISPOSITION OF RESOURCES</b>	<b>2,405,025</b>	<b>1,809,446</b>				

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
<b>RESOURCES</b>						
<b>APPROPRIATIONS</b>						
GMF-BIG SPRINGS MONITORING-D	14,417	14,110	15,988	12,042	11,985	11,980
GMF-GEN'L PROVISIONS-DNR	32,253	33,541	25,605			
GMF-STORAGE TANKS STUDY-DNR	2,632					
GMF-HOUSEHOLD HAZ WASTE-DNR	6,254	5,501	17,988	17,978	18,151	18,144
GMF-WEILL TESTING ADMIN 2X-DNR	7,455	6,370	5,524	4,083	4,054	4,066
GMF-GMTR MONITORING-DNR	93,542	110,954	158,182	157,544	157,946	158,080
GMF-LANDFILL ALTERNATIVES-DNR	7,858	1,218	11,741	11,824	10,979	10,975
WASTE REDUCTION & ASSISTANCE				11,076	11,269	11,280
GF-NATURAL RESOURCES OPERTING			1,545,385	1,344,286	1,345,973	1,342,102
ADMINISTRATIVE SERV -DNR			2,529,055	2,438,642	2,395,760	2,395,291
FEO-DNR ADMIN EXPENSES						
<b>APPROPRIATIONS SUBTOTAL</b>	<b>164,373</b>	<b>179,694</b>	<b>4,309,468</b>	<b>3,996,617</b>	<b>3,954,119</b>	<b>3,952,824</b>
<b>RECEIPTS</b>						
FEDERAL SUPPORT	607,276	624,709	800,638	746,562	743,493	743,993
INTRA STATE RECEIPTS	478,306	524,135	<del>4,444,444</del> 602,701	618,562	815,009	815,910
<b>RECEIPTS SUBTOTAL</b>	<b>1,085,582</b>	<b>1,148,844</b>	<b>2,403,279</b>	<b>1,365,124</b>	<b>1,558,502</b>	<b>1,559,903</b>
<b>TRANSFERS</b>						
GF-DNR ADMIN SERVS DIV.	1,657,626	1,222,140	5,712,807			
FEG-FISH & WILDLIFE APPROP	2,347,144	2,145,107				
<b>TOTAL RESOURCES</b>	<b>5,255,225</b>	<b>4,695,785</b>	<b>5,561,741</b>	<b>5,561,741</b>	<b>5,512,701</b>	<b>5,511,927</b>
<b>FTE POSITIONS</b>	<b>113.21</b>	<b>100.40</b>	<b>92.79</b>	<b>94.10</b>	<b>94.10</b>	<b>94.10</b>
<b>DISPOSITION OF RESOURCES</b>						
<b>EXPENDITURES</b>						
PERSONAL SERVICES	3,929,765	3,572,760	3,783,428	3,669,678	3,620,638	3,619,864
PERSONAL TRAVEL IN STATE	48,633	51,921	32,304	53,550	53,550	53,550
STATE VEHICLE OPERATION	53,301	50,395	47,599	59,000	59,000	59,000
DEPRECIATION	66,708	69,725	70,680	80,500	80,500	80,500
PERSONAL TRAVEL OUT OF STATE		1,999	5,438	7,300	7,300	7,300
OFFICE SUPPLIES	413,143	293,708	316,630	315,255	315,255	315,255
FACILITY MAINTENANCE SUPPLIE	1,000	16,349	13,626	21,000	21,000	21,000
EQUIPMENT MAINTENANCE SUPPLI	55,997	49,136	68,597	52,000	52,000	52,000
OTHER SUPPLIES	8,009	15,544	22,138	14,300	14,300	14,300
PRINTING & BINDING	14,504	15,232	19,991	14,500	14,500	14,500
<b>EXPENDITURES SUBTOTAL</b>	<b>5,255,225</b>	<b>4,695,787</b>	<b>5,712,807</b>	<b>5,561,741</b>	<b>5,512,701</b>	<b>5,511,927</b>
<b>REVERSIONS</b>						
UNSPENT BALANCE			<del>3,000,000</del>			
<b>TOTAL DISPOSITION OF RESOURCES</b>	<b>5,255,225</b>	<b>4,695,787</b>	<b>5,561,741</b>	<b>5,561,741</b>	<b>5,512,701</b>	<b>5,511,927</b>

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<b>DISPOSITION OF RESOURCES</b>						
<b>EXPENDITURES</b>						
UNIFORMS & RELATED ITEMS	1,140	3,942	1,724	2,500	2,500	2,500
COMMUNICATIONS	239,326	87,805	95,576	93,100	93,100	93,100
RENTALS	482	498	120	500	500	500
OUTSIDE SERVICES	62,195	43,383	93,761	70,650	70,650	70,650
ADVERTISING & PUBLICITY		102	307	500	500	500
DATA PROCESSING	83,940	104,561	103,371	91,700	91,700	91,700
AUDITOR OF STATE REIMBURSEME	132,990	146,201	127,712	150,000	150,000	150,000
REIMB. TO OTHER AGENCIES	37,305	27,633	108,267	110,150	110,150	110,150
EQUIPMENT	105,551	132,913	240,268	189,500	189,500	189,500
OTHER EXPENSE & OBLIGATIONS		10,650	547,557	550,000	550,000	550,000
HEALTH INSURANCE PREMIUMS			3,439			
BACK PAY INTEREST			2,178			
LICENCES		100		50	50	50
<b>EXPENDITURES SUBTOTAL</b>	<b>5,255,225</b>	<b>4,695,787</b>	<b>5,712,807</b>	<b>5,561,741</b>	<b>5,512,701</b>	<b>5,511,927</b>
<b>REVERSIONS</b>						
UNSPENT BALANCE			<del>3,000,000</del>			
<b>TOTAL DISPOSITION OF RESOURCES</b>	<b>5,255,225</b>	<b>4,695,787</b>	<b>5,561,741</b>	<b>5,561,741</b>	<b>5,512,701</b>	<b>5,511,927</b>

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
OF-NATURAL RESOURCES OPERTING			5,385,974			
PARKS & PRESERVES-DNR			411,311			
OF-MARINE FUEL TAX OPER				5,424,949	5,345,960	5,340,725
WFT-OPERATIONS-DNR	400,000			411,311	411,311	411,311
APPROPRIATIONS SUBTOTAL	400,000		5,797,285	5,836,260	5,777,271	5,760,034
RECEIPTS						
FEDERAL SUPPORT	54,226	35,122	30,247	33,749	34,500	34,500
INTRA STATE RECEIPTS	1,844,427	1,995,126	2,091,022	2,194,249	2,195,225	2,195,225
REFUNDS & REIMBURSEMENTS		33,918	29,968	59,691	45,060	45,060
RECEIPTS SUBTOTAL	1,898,653	2,064,166	2,151,217	2,271,809	2,270,785	2,270,785
TRANSFERS						
OF-DNR PARKS & PRESERVES DI	5,175,030	5,117,752	2,175,476			
OF-WFT PARKS OPERATIONS		431,530	2,972,761			
TOTAL RESOURCES	7,473,691	7,613,420	8,108,009	8,108,009	8,048,056	8,050,819
FTE POSITIONS	199.30	194.79	194.53	195.73	195.73	195.73
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	5,215,067	5,212,516	5,514,497	5,627,554	5,547,521	5,570,284
PERSONAL TRAVEL IN STATE	48,765	74,125	51,390	61,775	61,775	61,775
STATE VEHICLE OPERATION	181,173	186,094	189,079	282,800	282,800	282,800
DEPRECIATION	222,045	260,770	293,600	294,600	294,600	294,600
PERSONAL TRAVEL OUT OF STATE		2,504	3,042	7,685	7,685	7,685
OFFICE SUPPLIES	35,578	30,992	30,457	46,700	46,700	46,700
FACILITY MAINTENANCE SUPPLIE	504,981	440,559	450,854	454,000	454,000	454,000
EQUIPMENT MAINTENANCE SUPPLI	302,499	304,710	306,860	299,999	299,999	299,999
PROF. & SCIENTIFIC SUPPLIES				1,000	1,000	1,000
AG., CONSERVATION & WORT SUPP	14,632	26,444	20,560	30,000	30,000	30,000
OTHER SUPPLIES	36,006	36,532	48,007	42,994	42,994	42,994
PRINTING & BINDING	19,380	20,904	35,999	33,000	33,000	33,000
UNIFORMS & RELATED ITEMS	9,103	42,450	25,399	46,277	46,277	46,277
COMMUNICATIONS	89,054	97,013	93,700	105,502	105,502	105,502
RENTALS	28,715	29,727	32,909	34,900	34,900	34,900
UTILITIES	373,325	436,895	411,222	390,951	390,951	390,951

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
DISPOSITION OF RESOURCES						
EXPENDITURES						
PROF & SCIENTIFIC SERVICES	38,390	62,822	57,100	74,000	74,000	74,000
OUTSIDE SERVICES	190,679	192,740	203,519	185,352	185,352	185,352
ADVERTISING & PUBLICITY	719	1,220	1,232	2,550	2,550	2,550
DATA PROCESSING	3,155	4,854	4,939	6,000	6,000	6,000
RETRD. TO OTHER AGENCIES	51,913	10,953	4,352	2,475	2,475	2,475
EQUIPMENT	95,700	102,522	170,210	152,370	152,370	152,370
OTHER EXPENSE & OBLIGATIONS	3,634	45,960	3,605	4,700	4,700	4,700
HEALTH INSURANCE PREMIUMS			2,652			
BACK PAY INTEREST			364			
LICENSES	300	2,105	234	697	697	697
EXPENDITURES SUBTOTAL	7,473,691	7,613,429	7,972,761	8,108,009	8,048,056	8,050,819
REVERSIONS						
UNSPENT BALANCE						
TOTAL DISPOSITION OF RESOURCES	7,473,691	7,613,429	8,108,009	8,108,009	8,048,056	8,050,819

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
OF-NATURAL RESOURCES OPERING	0	0	0	0	0	0
FORESTRY DIV-DNR			1,326,508	1,443,518	1,426,916	1,428,161
APPROPRIATIONS SUBTOTAL				1,443,518	1,426,916	1,428,161
RECEIPTS						
FEDERAL SUPPORT	503,792	387,295	450,671	450,671	475,000	475,000
INTRA STATE RECEIPTS	751,000	847,837	847,837	847,837	846,000	846,000
RECEIPTS SUBTOTAL	1,254,792	1,235,132	1,298,508	1,298,508	1,321,000	1,321,000
TRANSFERS						
OF-DNR FORESTRY DIVISION	1,414,679	1,286,118	2,595,090			
TOTAL RESOURCES	2,669,471	2,521,250	4,193,106	2,784,518	2,747,916	2,749,161
FTE POSITIONS	56.68	44.99	47.64	48.71	48.71	48.71
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	1,840,278	1,635,066	1,770,691	1,858,377	1,821,775	1,823,020
PERSONAL TRAVEL IN STATE	31,833	35,045	42,260	44,500	44,500	44,500
STATE VEHICLE OPERATION	69,765	77,842	79,473	92,500	92,500	92,500
DEPRECIATION	94,410	106,440	132,255	139,700	139,700	139,700
PERSONAL TRAVEL OUT OF STATE		1,504	2,551	8,000	8,000	8,000
OFFICE SUPPLIES	22,607	27,121	21,432	20,300	20,300	20,300
FACILITY MAINTENANCE SUPPLIE	39,917	45,712	43,302	44,000	44,000	44,000
EQUIPMENT MAINTENANCE SUPPLI	52,706	54,666	50,191	57,000	57,000	57,000
PROF. & SCIENTIFIC SUPPLIES			486	500	500	500
AG., CONSERVATION & MORT SUPP	73,118	205,106	134,280	129,000	129,000	129,000
OTHER SUPPLIES	32,386	44,141	37,292	39,900	39,900	39,900
PRINTING & BINDING	11,121	11,792	10,339	15,500	15,500	15,500
UNIFORMS & RELATED ITEMS	12,330	13,597	9,346	16,100	16,100	16,100
COMMUNICATIONS	29,172	38,137	33,545	43,669	43,669	43,669
RENTALS	29,877	31,269	32,127	35,000	35,000	35,000
UTILITIES	40,020	4,421	5,004	37,000	37,000	37,000
PROF & SCIENTIFIC SERVICES	126,524	55,137	83,169	77,000	77,000	77,000
OUTSIDE SERVICES	700	1,741	922	1,000	1,000	1,000
ADVERTISING & PUBLICITY	2,010	2,525	2,969	3,300	3,300	3,300
DATA PROCESSING						

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DISPOSITION OF RESOURCES						
EXPENDITURES						
REIMB. TO OTHER AGENCIES	121		746	550	550	550
EQUIPMENT	27,458	102,910	70,248	140,822	140,822	140,822
OTHER EXPENSE & OBLIGATIONS		0,381				
BACK PAY INTEREST			389			
LICENSES	230					
STATE AID	93,258					
EXPENDITURES SUBTOTAL	2,669,471	2,541,250	2,595,090	2,784,518	2,767,916	2,769,161
UNSPENT BALANCE			-704,984			
TOTAL DISPOSITION OF RESOURCES	2,669,471	2,541,250	1,890,106	2,784,518	2,767,916	2,769,161

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NATURAL RESOURCES, DEPARTMENT OF  
NATURAL RESOURCES  
NATURAL RESOURCES DEPT. OPS.  
94001542072 6000  
ENERGY & GEOLOGICAL RESOURCES

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL  
ORGANIZATION - BUDGET COMPARISON

SCHEDULE 6 ORGN RECAP  
(BUDGET COMPARISON)  
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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
DMF-BIG SPRINGS MONITORING-D	0	591,469	0	470,990	314,784	0
DMF-GEN'L PROVISIONS-DNR	260,592	191,760	0	214,849	214,320	214,320
OF-NATURAL RESOURCES OPERTING						
ENERGY & GEOLOGY-DNR			1,589,967	1,660,573	1,651,904	1,655,433
APPROPRIATIONS SUBTOTAL	852,061	662,758	1,906,751	1,875,442	1,866,304	1,869,953
RECEIPTS						
FEDERAL SUPPORT	434,603	549,903	558,339	1,050,152	1,040,990	1,044,601
INTRA STATE RECEIPTS	1,179,249	532,079	554,140	657,709	657,815	657,907
REIMB. FROM OTHER AGENCIES	47,649	145,301	125,779	104,850	104,319	104,319
FEES, LICENSES & PERMITS	139,790	139,790	123,118	53,979	53,860	53,860
REFUNDS & REIMBURSEMENTS	161,313	114,810	129,446	177,040	175,661	175,661
OTHER SALES & SERVICES	7,600	7,600	33,034	30,000	30,000	30,000
RECEIPTS SUBTOTAL	1,822,814	1,489,563	2,430,544	2,074,619	2,070,601	2,070,776
TRANSFERS						
OF-DNR ENERGY & GEOLOGY DIV	1,393,449	1,212,001	1,430,544			
ENERGY RESEARCH & DEVELOPME		143,843				
TOTAL RESOURCES	4,068,324	3,500,165	3,430,544	3,950,061	3,936,905	3,940,729
FTE POSITIONS	59.13	51.96	50.04	52.00	52.00	52.00
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	2,343,520	2,143,635	2,356,750	2,390,834	2,377,676	2,381,502
PERSONAL TRAVEL IN STATE	55,427	29,153	25,852	42,875	42,875	42,875
STATE VEHICLE OPERATION	16,880	21,413	18,687	20,850	20,850	20,850
DEPRECIATION	28,740	29,340	28,200	33,570	33,570	33,570
PERSONAL TRAVEL OUT OF STATE		12,773	25,310	37,300	37,300	37,300
OFFICE SUPPLIES	14,280	18,260	20,970	18,900	18,900	18,900
FACILITY MAINTENANCE SUPPLIE	1,117	197	561	4,450	4,450	4,450
EQUIPMENT MAINTENANCE SUPPLI	36,725	9,921	7,493	16,250	16,250	16,250
PROF. & SCIENTIFIC SUPPLIES	13,552	16,850	735	2,900	2,900	2,900
OTHER SUPPLIES	48,732	51,769	34,431	41,850	41,850	41,850
PRINTING & BINDING	32,600	18,781	17,755	60,725	60,725	60,725
COMMUNICATIONS	10,725	30,310	37,884	43,000	43,000	43,000
RENTALS	2,100	2,160	1,500	350	350	350

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NATURAL RESOURCES, DEPARTMENT OF  
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ENERGY & GEOLOGICAL RESOURCES

STATE OF IOWA  
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BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL  
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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
DISPOSITION OF RESOURCES						
EXPENDITURES						
UTILITIES	16,795	13,443	16,393	13,500	13,500	13,500
PROF & SCIENTIFIC SERVICES	1,286,625	870,767	677,026	1,019,773	1,019,773	1,019,773
OUTSIDE SERVICES	33,490	58,667	59,579	39,075	39,075	39,075
ADVERTISING & PUBLICITY		231				
DATA PROCESSING	14,755	19,709	9,201	7,390	7,390	7,390
REIMB. TO OTHER AGENCIES	6,740	4,116	10,352	27,750	27,750	27,750
EQUIPMENT	77,504	112,440	60,765	126,119	126,119	126,119
OTHER EXPENSE & OBLIGATIONS		16,236	6,723	2,600	2,600	2,600
BACK PAY INTEREST			479			
EXPENDITURES SUBTOTAL	4,068,324	3,500,165	3,430,544	3,950,061	3,936,905	3,940,729
UNSPENT BALANCE			20,480			
TOTAL DISPOSITION OF RESOURCES	4,068,324	3,500,165	3,451,024	3,950,061	3,936,905	3,940,729

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ENVIRONMENTAL PROTECTION DIV.

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
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SCHEDULE 6 ORGM RECAP  
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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
<b>RESOURCES</b>						
<b>APPROPRIATIONS</b>						
GMF-GEN'L PROVISIONS-DNR	0	384,590	0	412,669	0	166,379
GMF-STORAGE TANKS STUDY-DNR	125,614	162,762	91,222	141,070	158,782	139,854
GMF-HELL TESTING ADMIN EX-DNR	64,591	58,674	31,462	35,979	85,727	35,824
GMF-OUTR MONITORING-DNR	435,252	612,119	243,673	856,867	836,287	857,012
GF-NATURAL RESOURCES OPERINGS			2,083,640	2,083,640	2,078,940	2,080,518
ENVIRONMENTAL PROT-DNR			136,000	145,000	145,000	145,000
USY ADMINISTRATION MATCH						
<b>APPROPRIATIONS SUBTOTAL</b>	<b>806,047</b>	<b>1,238,224</b>	<b>3,115,395</b>	<b>3,242,556</b>	<b>3,234,656</b>	<b>3,237,408</b>
<b>RECEIPTS</b>						
FEDERAL SUPPORT	5,813,017	5,147,372	4,409,000	5,542,851	6,741,524	6,745,861
INTRA STATE RECEIPTS	53,242	155,552	2,092,856	221,025	1,019,865	1,021,751
REIMB. FROM OTHER AGENCIES		10,110	150,000			
REFUNDS & REIMBURSEMENTS	202,255	220,612	370,642	307,819	242,454	242,794
<b>RECEIPTS SUBTOTAL</b>	<b>5,268,514</b>	<b>5,533,646</b>	<b>7,000,792</b>	<b>8,627,999</b>	<b>8,003,783</b>	<b>8,009,606</b>
<b>TRANSFERS</b>						
GF-DNR ENVIRON PROTECTION D	1,046,646	1,785,925	5,271,695			
<b>TOTAL RESOURCES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,270,555</b>	<b>0</b>	<b>11,247,014</b>
<b>FTE POSITIONS</b>	<b>144.55</b>	<b>144.85</b>	<b>154.50</b>	<b>161.00</b>	<b>161.00</b>	<b>161.00</b>
<b>DISPOSITION OF RESOURCES</b>						
<b>EXPENDITURES</b>						
PERSONAL SERVICES	0	6,036,795	0	6,172,065	0	7,184,733
PERSONAL TRAVEL IN STATE	111,463	63,105	51,556	84,000	7,584,346	7,594,921
STATE VEHICLE OPERATION	34,268	38,478	40,843	57,000	84,000	84,000
DEPRECIATION	56,505	59,955	61,140	65,000	57,000	57,000
PERSONAL TRAVEL OUT OF STATE		34,995	48,102	65,000	65,000	65,000
OFFICE SUPPLIES	56,694	59,508	75,892	101,202	101,202	101,202
FACILITY MAINTENANCE SUPPLIE	2,666	2,810	11,605	74,500	74,500	74,500
EQUIPMENT MAINTENANCE SUPPLI	17,120	13,037	12,545	14,200	5,600	5,600
PROP. & SCIENTIFIC SUPPLIES	24,940	35		21,350	14,200	14,200
OTHER SUPPLIES	26,270	24,041	29,174	38,200	21,350	21,350
PRINTING & BINDING	8,100	35,403	77,705	41,250	38,200	38,200
UNIFORMS & RELATED ITEMS	3,205	1,051	2,300	41,250	41,250	41,250
COMMUNICATIONS	40,350	123,201	139,645	3,500	3,500	3,500
<b>EXPENDITURES SUBTOTAL</b>	<b>7,921,207</b>	<b>8,557,803</b>	<b>9,787,090</b>	<b>11,270,555</b>	<b>11,238,439</b>	<b>11,247,014</b>
<b>REVERSIONS</b>						
UNSPENT BALANCE						
<b>TOTAL DISPOSITION OF RESOURCES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,270,555</b>	<b>0</b>	<b>11,247,014</b>

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NATURAL RESOURCES, DEPARTMENT OF  
NATURAL RESOURCES  
NATURAL RESOURCES DEPT. OPS.

94001542072 7000  
ENVIRONMENTAL PROTECTION DIV.

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL  
ORGANIZATION - BUDGET COMPARISON

SCHEDULE 6 ORGM RECAP  
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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
<b>DISPOSITION OF RESOURCES</b>						
<b>EXPENDITURES</b>						
RENTALS	50,390	53,403	50,690	66,700	66,700	66,700
UTILITIES	15,312	16,830	17,742	23,650	23,650	23,650
PROF & SCIENTIFIC SERVICES	959,550	1,210,549	1,270,771	2,099,640	2,099,640	2,099,640
OUTSIDE SERVICES	45,073	34,370	104,611	80,300	80,300	80,300
ADVERTISING & PUBLICITY	3,050	4,557	3,628	8,000	8,000	8,000
DATA PROCESSING	136,060	169,071	202,791	251,200	251,200	251,200
REIMB. TO OTHER AGENCIES	19,000	25,332	24,124	25,600	25,600	25,600
EQUIPMENT	273,074	372,517	357,382	446,093	446,093	446,093
OTHER EXPENSE & OBLIGATIONS		25,074	11,705	9,500	9,500	9,500
HEALTH INSURANCE PREMIUMS			1,549			
BACK PAY INTEREST			697			
LICENSES	105					
<b>EXPENDITURES SUBTOTAL</b>	<b>7,921,207</b>	<b>8,557,803</b>	<b>9,787,090</b>	<b>11,270,555</b>	<b>11,238,439</b>	<b>11,247,014</b>
<b>REVERSIONS</b>						
UNSPENT BALANCE						
<b>TOTAL DISPOSITION OF RESOURCES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11,270,555</b>	<b>0</b>	<b>11,247,014</b>

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NATURAL RESOURCES, DEPARTMENT OF  
NATURAL RESOURCES  
NATURAL RESOURCES DEPT. OPS.  
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FISH AND WILDLIFE DIVISION

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL  
ORGANIZATION - BUDGET COMPARISON

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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
FSG-DNR ADMIN EXPENSES	0	0	16,394,172	17,371,490	17,626,866	17,623,916
RECEIPTS			242,600			
INTRA STATE RECEIPTS	181,472	215,841	24,388,418	229,154	225,939	225,939
TRANSFERS						
FSG-DNR LAW ENFORCEMENT BUR	4,872,379	5,182,686				
FSG-DNR FISHERIES BUR APPRO	4,431,645	4,601,332				
FSG-DNR WILDLIFE BUREAU APP	4,838,389	4,817,793				
FSG-DNR FWM DIVISION MGMT	242,427	456,893				
TOTAL RESOURCES	14,566,332	15,275,365	16,636,772	17,600,644	17,852,445	17,849,855
FTE POSITIONS	320.94	314.67	322.53	330.95	330.93	330.93
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	10,881,365	10,832,644	12,229,187	12,328,052	12,229,855	12,227,243
PERSONAL TRAVEL IN STATE	336,813	326,811	339,787	333,178	333,178	333,178
STATE VEHICLE OPERATION	444,186	493,174	488,743	464,936	464,936	464,936
DEPRECIATION	665,080	696,278	686,465	727,488	727,488	727,488
PERSONAL TRAVEL OUT OF STATE		19,549	14,304	29,488	29,488	29,488
OFFICE SUPPLIES	213,723	279,274	289,390	299,118	349,118	349,118
FACILITY MAINTENANCE SUPPLIE	242,848	245,328	385,294	475,227	525,227	525,227
EQUIPMENT MAINTENANCE SUPPLI	356,421	363,548	356,547	334,436	384,436	384,436
AC, CONSERVATION & HORT SUPP	226,164	278,637	248,777	344,875	394,875	394,875
OTHER SUPPLIES	95,639	125,593	114,428	96,687	96,687	96,687
PRINTING & BINDING	86,812	82,556	114,187	191,666	241,666	241,666
UNIFORMS & RELATED ITEMS	56,819	124,129	104,790	133,275	133,275	133,275
COMMUNICATIONS	172,547	268,811	209,224	188,950	188,950	188,950
RENTALS	45,555	47,371	55,956	66,835	66,835	66,835
UTILITIES	205,183	207,343	218,580	214,716	214,716	214,716
PROF & SCIENTIFIC SERVICES	128,750	113,547	109,662	334,888	334,888	334,888
OUTSIDE SERVICES	99,564	158,778	122,524	121,912	121,912	121,912
ADVERTISING & PUBLICITY	28,839	2,646	25,477	25,888	25,888	25,888
DATA PROCESSING	50,581	49,191	62,469	53,280	53,280	53,280
REIMB. TO OTHER AGENCIES	151,985	144,586	60,353	158,458	158,458	158,458
EQUIPMENT	170,699	246,156	458,962	682,839	782,839	782,839
OTHER EXPENSE & OBLIGATIONS	1,213	284,428	1,649	680	680	680
HEALTH INSURANCE PREMIUMS			4,372			
BACK PAY INTEREST			5,158			
LICENSES	275	45	575	380	380	380
EXPENDITURES SUBTOTAL	14,566,332	15,275,365	16,636,772	17,600,644	17,852,445	17,849,855

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NATURAL RESOURCES, DEPARTMENT OF  
NATURAL RESOURCES  
NATURAL RESOURCES DEPT. OPS.  
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FISH AND WILDLIFE DIVISION

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1993-1995 BIENNIAL  
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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
DISPOSITION OF RESOURCES						
UNSPENT BALANCE			2,521,446			
TOTAL DISPOSITION OF RESOURCES	14,566,332	15,275,365	19,158,218	17,600,644	17,852,445	17,849,855

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WASTE MANAGEMENT ASSISTANCE

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1995-1995 BISENNIUM  
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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
RESOURCES						
APPROPRIATIONS						
GMF-HOUSEHOLD HAZ WASTE-DNR	92,750	91,774	182,664	192,920	192,920	192,920
GMF-ENTER MONITORING-DNR	305,851	334,300	464,957	419,451	420,973	421,872
GMF-WASTE MGMT AUTH.-DNR	64,680					
GMF-LANDFILL ALTERNATIVES-DNR	74,365	20,530	187,578	90,171	97,707	97,707
WASTE REDUCTION & ASSISTANCE				101,650	102,897	103,056
APPROPRIATIONS SUBTOTAL	537,646	446,604	735,199	812,200	815,510	816,265
RECEIPTS						
FEDERAL SUPPORT	189,470	227,726	229,621	119,864	119,864	119,864
INTRA STATE RECEIPTS			32,628	169,756	170,640	170,640
RECEIPTS SUBTOTAL	189,470	227,726	262,249	289,620	290,504	290,504
TOTAL RESOURCES	727,116	674,330	997,448	1,101,820	1,106,014	1,106,769
FTE POSITIONS	12.40	10.31	10.71	16.75	16.75	16.75
DISPOSITION OF RESOURCES						
EXPENDITURES						
PERSONAL SERVICES	449,067	412,615	653,917	716,525	720,719	721,477
PERSONAL TRAVEL IN STATE	35,030	30,255	25,637	20,200	20,200	20,200
STATE VEHICLE OPERATION			10			
PERSONAL TRAVEL OUT OF STATE		6,733	12,799	47,270	47,270	47,270
OFFICE SUPPLIES	4,310	4,066	9,503	6,679	6,679	6,679
FACILITY MAINTENANCE SUPPLIE			753			
EQUIPMENT MAINTENANCE SUPPLI		1,435	499	950	950	950
OTHER SUPPLIES	35,470	7,993	0,234	10,050	10,050	10,050
PRINTING & BINDING	54,690	17,611	20,750	91,794	81,794	81,794
COMMUNICATIONS	180	13,749	21,897	20,660	20,660	20,660
PROF & SCIENTIFIC SERVICES	87,621	122,197	153,270	143,190	143,190	143,190
OUTSIDE SERVICES	5,047	2,007	12,195	9,140	9,140	9,140
DATA PROCESSING	3,537	6,103	5,795	5,020	5,020	5,020
REIMB. TO OTHER AGENCIES	16,130	15,229	20,407	16,950	16,950	16,950
EQUIPMENT	15,526	20,320	26,721	2,200	2,200	2,200
OTHER EXPENSE & OBLIGATIONS		4,510	4,985	5,200	5,200	5,200
BACK PAY INTEREST			76			
EXPENDITURES SUBTOTAL	727,116	674,411	977,448	1,101,820	1,106,022	1,106,784

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NATURAL RESOURCES, DEPARTMENT OF  
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WASTE MANAGEMENT ASSISTANCE

STATE OF IOWA  
DEPARTMENT OF MANAGEMENT  
BUDGET WORKSHEETS FOR 1995-1995 BISENNIUM  
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	ACTUAL FY 1990-91	ACTUAL FY 1991-92	ACTUAL FY 1992-93	DEPT REV FY1 FY 1993-94	TOTAL DEPT FY 1994-95	TOTAL DEPT FY 1995-96
DISPOSITION OF RESOURCES						
REVERSIONS						
UNSPENT BALANCE			351,001			
TOTAL DISPOSITION OF RESOURCES	727,116	674,411	977,447	1,101,820	1,106,022	1,106,780

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GROUNDWATER PROTECTION FUND	FY93 ACTUAL	FY94 BUDGET	FY95 BUDGET	FY96 BUDGET
*****				
STORAGE TANK ACCOUNT				
STORAGE TANK PROGRAM ADMINISTRATION	91721	141070	138782	138782
DEPT OF HEALTH TRANSFER	1000	1000	1000	1000
INSURANCE FUND TRANSFER	509869	511654	512050	512050
-----				
TOTAL	602590	653724	651832	651832
*****				
OIL OVERCHARGE ACCOUNT				
BIG SPRINGS STUDY	335028	229203	228561	85353
DNR GENERAL GROUNDWATER	214016	25000	0	0
LANDFILL ALTERNATIVES	18037	0	0	0
ABANDONED WELL EDUCATION TRANSFER	71819	35460	0	0
AG ENERGY MANAGEMENT TRANSFER	579988	249747	0	0
IWSWRI TRANSFER	0	756	0	0
-----				
TOTAL	1218888	540166	228561	85353
*****				
HOUSEHOLD HAZARDOUS WASTE ACCOUNT				
TOXIC WASTE CLEANUP DAYS	231903	1252278	137499	137499
HOUSEHOLD HAZARDOUS WASTE ADMIN.	203190	214528	215501	215501
DEPT OF HEALTH TRANSFER	2000	2000	2000	2000
-----				
TOTAL	437093	1468606	355000	355000
*****				
AGRICULTURE MANAGEMENT ACCOUNT				
DEPT OF HEALTH TRANSFER	9000	9000	9000	9000
HEALTH CENTER TRANSFER (CHEEC)	294995	298265	296190	296190
LEOPOLD CENTER TRANSFER	1147204	1159918	1151850	1151850
UNIVERSITY HYGIENIC LAB TRANSFER	196663	198844	197460	197460
COUNTY GRANTS ADMINISTRATION (DNR)	45766	40839	40545	40545
COUNTY GRANTS 17.5% WELL TESTING	460804	1480816	575925	575925
COUNTY GRANTS 17.5% WELL ABANDONMENT	523604	1310237	575925	575925
COUNTY CONSERVATION BOARD CONTRACTS	0	15109	0	0
AG DRAINAGE WELL/SINKHOLE TRANSFER	426104	430827	427810	427830
-----				
TOTAL	3104140	4943856	3274725	3274725
*****				
SOLID WASTE ACCOUNT				
SOLID WASTE PROGRAM ADMINISTRATION	1283622	1443864	1444871	1444871
DEPT OF HEALTH TRANSFER	8000	8000	8000	8000
IOWA WASTE REDUCTION CENTER TRANSFER	390466	431819	431818	431818
LANDFILL ALTERNATIVES	2862366	6585927	3022727	3022727
SANITARY DISPOSAL GRANTS	0	3475	0	0
REGIONAL COUNCIL WASTE EXCHANGE GRANTS	211737	288868	172727	172727
HHW PERMANENT COLLECTION SITES	285000	490084	259091	259091
HHW COLLECTION AND TRANSPORTATION	0	258361	86364	86364
TOXIC WASTE CLEANUP DAYS	240421	405483	215909	215909
RECYCLING USER LOAN PROGRAM	215000	730988	0	0
DEPT OF ECONOMIC DEVELOPMENT TRANSFER	95000	113361	86364	86364
WASTE REDUCTION/ASSISTANCE PROGRAM (DNR)		114841	116289	110753
-----				
TOTAL	5591612	10875071	5844160	5838624
-----				
TOTAL GROUND WATER FUND	10954324	18481423	10354278	10205534
*****				

E93Oct-15



Mr. Kuhn gave a detailed explanation of the budget request. He distributed a summary of the groundwater funding by account, and by program, and explained same. He reviewed that the EPC budget authority relates to the groundwater program, the Environmental Protection Division, Waste Management Assistance Division, and Administrative Services Division.

Brief discussion followed.

INFORMATIONAL ONLY

**INTERAGENCY AGREEMENT - UNIVERSITY OF NORTHERN IOWA - AIR QUALITY SMALL BUSINESS ASSISTANCE CENTER**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Commission will be asked to approve the expenditure of \$109,593 for an interagency agreement with the University of Northern Iowa.

This agreement will be for the second year of the Small Business Compliance and Technical Assistance Program which is required by the Federal Clean Air Act Amendments of 1990, and sets forth each agency's respective role in the small business assistance program.

The staff of the Iowa Waste Reduction Center at the University of Northern Iowa provide various assistance services to small businesses to help them react to and comply with the operating permit program requirements.

(A copy of the agreement is in file in the department's Records Center)

Mr. Kuhn reviewed the contract and gave examples of past projects and accomplishments of the Small Business Assistance Center. He noted that this year, under this contract, they will prepare an auto body shop manual and also a manual for chromium electroplaters. They will also make presentations at two trade and industry seminars, provide detailed assistance in response to inquiries, and set up a compliance advisory panel.

Charlotte Mohr asked how many requests for assistance have been made to the Small Business Assistance Center.

Mr. Stokes stated that staff do not have statistics on that but will provide the Commission with those numbers later today.

*Motion was made by Charlotte Mohr to approve the Interagency Agreement with University of Northern Iowa Air Quality Small Business Assistance Center at a cost of \$109,593. Seconded by William Ehm. Motion carried unanimously.*

APPROVED AS PRESENTED

## PUBLIC PARTICIPATION

### Reed Craft

Reed Craft, President of Iowa Association of Municipal Utilities, presented the following written statement:

COMMENTS TO THE  
IOWA ENVIRONMENTAL PROTECTION COMMISSION  
MONDAY, OCTOBER 18, 1993

Reed Craft, President  
Iowa Association of Municipal Utilities

Commissioners and Director Wilson, thank you for the opportunity to speak to you today.

My name is Reed Craft, General Manager of the Waterloo Water Works. I also presently serve as President of the Iowa Association of Municipal Utilities (IAMU) and am an active member of the American Water Works Association.

All of these groups are concerned about the status of our state's drinking water program and consider retention of primacy to be a top priority issue -- of importance to all water utilities in Iowa, but especially to our small systems which are under the greatest stress of meeting heavy regulatory burdens with limited resources.

Small systems especially value our state-administered water supply program. It offers many important advantages over a federally administered program. As one small system manager summed it up, "With a state run program, I'm a name. With EPA, I'd only be a number."

As I'm sure you are already aware, we are hearing reports from Region VII EPA in Kansas City which indicate Iowa is in serious jeopardy of having our primacy agreement withdrawn. It is my understanding that EPA believes that Iowa's water supply section is seriously understaffed. While the staff in the water quality bureau is generally committed and approachable, they simply are overwhelmed by the volume of work.

I am not appearing today to protest a Department of Natural Resources staff decision or to complain of enforcement procedures. Rather, I am here hoping to continue to work with the Commission and staff in seeking alternatives which will keep Iowa's water primacy program.

For the past two legislative sessions, the Environmental Protection Commission proposed legislation which would establish trust funds for water quality programs, as well as some other

programs. DNR has attempted to generate support for the funding bill. Last year's effort met with a positive response in terms of support for additional funding, but became entangled in the issue of a technical advisory council.

This year, in the face of more imminent threats of primacy withdrawal, there are a number of utility groups actively working to promote an alternate funding mechanism for the water quality section. While no final consensus has been reached on a specific proposal, the mere fact that the groups are all discussing the issue together holds great promise.

Everyone among the groups involved in this effort has been disheartened to realize that the department, rather than becoming more aggressive in terms of protecting Iowa's primacy agreement, may not even include expanded funding among the items on this year's legislative agenda. If this is, in fact, the case, we are seriously concerned by this lack of initiative on the part of the department.

It is also our understanding that expanding capacity for our state's water supply program is a condition of the EPA extension agreement under which the department is currently operating with Region VII. We are confused at this lack of support being demonstrated by the Department for our state water quality program and also concerned about the message this sends to EPA and legislators.

In the event that an industry initiative for a fee bill is proposed to fund the water quality section, it would be very difficult to convince state legislators that it is an idea worth supporting when the Department that will receive the new funding does not even feel the issue is enough of a priority to include it on a legislative agenda. In fact, developing an industry initiative will be more difficult if the Department does not indicate interest in pursuing the proposal over at the Capitol. It would present a very difficult, if not impossible, climate in which to promote a fee bill.

We ask the commission to consider the impact of primacy withdrawal on our state's utilities, especially the small water systems. We encourage the Commission to include a water supply funding initiative on its legislative agenda and to promote cooperation between the Department and the industry groups currently working to bring consensus to this idea of alternate funding for the water quality program.

Thank you for your attention and consideration of this issue.

**Winnie Gleason**

Winnie Gleason, Representative of City of Ames Water Pollution Control Department, addressed the Commission stating the city's opposition to the legislative proposal to eliminate the 10 year moratorium on wastewater treatment plants upgrades. She asked the Commission not to support the legislative proposal until there is an adjudication that the state law does conflict with the federal statute. She reviewed the history of the city's dispute over the past several years noting

that the federal court dismissed the case with EPA. The city was notified in March that EPA was working on issuing a permit and the city is still waiting for it. Ms. Gleason distributed copies of a letter from Steven Schainker, Ames City Manager, requesting that the Environmental Protection Commission not support this legislative proposal until there is an adjudication that the state law conflicts with the federal statute. He expanded on reasons for this request.

### **FINAL RULE--CHAPTER 211, GRANTS FOR REGIONAL COLLECTION CENTERS OF CONDITIONALLY SMALL QUANTITY GENERATORS AND HOUSEHOLD HAZARDOUS WASTES**

Gaye Wiekierak, Bureau Chief, Planning and Grants Bureau, presented the following item.

The Commission is requested to approve the amendment to Chapter 211. This amendment would eliminate a loop that was created in referencing Chapter 103 that requires hydrogeological survey information and monitoring wells. The hydrogeological survey information and monitoring wells are not necessary for the RCCs as they are not disposal sites.

Notice of Intended Action was published in IAB August 18, 1993 as ARC 4208A. A public hearing was held on September 16, 1993: no attendance. No oral or written comment was received.

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ITEM 1. Amend subparagraph 211.8(2)"c"(6) as follows:

- (6) The site shall meet the requirements of ~~567--subrule 103.2(1)"b," "c," and "m" (1) through (4). Applicants will be exempt from the requirements 567--103.2"m" paragraphs (5) through (7).~~
1. No change.
  2. No change.
  3. A new site that meets the requirements set forth in subrule 103.2(1)"b," "c," and "m" (1) through (4).

ITEM 2. Amend paragraph 211.8(2)d, second unnumbered paragraph as follows:

All permanent structures and mobile units must meet the requirements of the Iowa state building code and all other applicable codes. The structures and mobile units shall be so designed to prevent runoff entering from adjacent areas. All mobile units and the containers used to package collected materials shall comply with applicable department of transportation rules and guidelines. Applicants applying for grant funds to establish a mobile unit(s) must list the number of sites the units(s) will locate to and include the township and range of these locations. At each mobile unit site, the unit shall rest on a pad of an impervious, reasonably smooth material that provides secondary containment in case of a spill and a canopy shall be provided as protection from inclement weather. All RCCs and mobile units shall obtain a permit from the department according to 567--Chapters 102.1 through 102.12 and 104. All safety issues shall be addressed in the permit. No RCC or mobile unit shall operate without a permit.

Ms. Wiekierak briefly explained the rule.

*Motion was made by Rozanne King to approve Final Rule--Chapter 211, Grants for Regional Collection Centers of Conditionally Small Quantity Generators and Household Hazardous Wastes. Seconded by Charlotte Mohr. Motion carried unanimously.*

APPROVED AS PRESENTED

### LANDFILL ALTERNATIVES GRANT CONTRACTS APPROVAL

Gaye Wiekierak, Bureau Chief, Planning and Grants Bureau, presented the following item.

From the fifty grant applications received for consideration during the June, 1993, grant round, eighteen grant projects were selected for funding. Of the eighteen grant awards, fifteen are in excess of \$25,000.

At this time, the Commission is requested to approve ten of these fifteen contracts. Portions of these contracts for Commission review and approval are attached. Two contracts have been reviewed and approved by the Commission at an earlier meeting and the remaining three contracts will be brought before the Commission for review and approval at a future meeting.

Contracts presented to the Commission for approval are as follows:

1) Universal-Rundle Corporation

\$189,700

This waste reduction project will utilize grant funds to assist in the purchase and installation of machinery and equipment. The applicant manufactures fiberglass bathtubs, showers, and one piece tub and shower units. With the project, the applicant will reduce the amount of solid waste generated in the manufacturing process by 35% (405 tons) annually. The project is located in the City of Ottumwa, Wapello County. Evan Kaffenes is the contact person at the corporate headquarters in New Castle, PA.

2) Heritage Area Agency on Aging

\$26,200

A waste volume reduction project that replaces polystyrene meal containers, used in the agency's home delivered meals program, with reusable meal trays. Grant funds will be utilized for the purchase of reusable trays, tray carriers, tray sanitizers, office supplies, and delivery charges. The agency is located in Cedar Rapids, Linn County. Over 75,000 home delivered meals were served during the past fiscal year in this project's service area. The project area will include at a minimum, Benton, Cedar, Johnson, Jones, and Linn Counties. Thomas Miskimen is the Director and Judy Parks is the Associate Director.

## 3) Johnson County Recycling Center

\$104,376

The applicant, located in the City of Coralville, Johnson County, will utilize grant funds to construct a building addition, purchase additional equipment, and a van. The facility expansion will allow the applicant to increase operating and storage capacity, facilitate increased on-site drop-off collection, and accept additional materials from new accounts. Dennis Rogers is the owner of Johnson County Recycling Center.

## 4) City of Waterloo

\$300,000

The City is proposing to implement a curbside collection program for recyclable materials. Grant funds will be utilized for the purchase of curbside containers and recycling vehicles. Collected materials will be delivered to a local recycler for processing and marketing. John Meyer is the Public Works Director and the Mayor is Al Manning Jr.

## 5) The Blueberry Plastic Mill Corporation

\$187,500

Implementation of this grant project would significantly increase the operating capacity of the applicant's facility for the manufacture of value added, recycled plastic resins from pre-consumer and post-consumer sources. The applicant receives recyclable plastics from numerous Iowa suppliers and is negotiating with other major suppliers. With the project the applicant would add additional employees and increase the current 1.5 million pounds per year operating capacity to 6 million pounds per year. Resin purchase orders are in line with the expanded manufacturing capacity. Grant funds will be used for the purchase and installation of a second plastic flake washing line and automatic proportionate mixing equipment for compounding recycled resins. John Neubauer is President of The Blueberry Plastic Mill Corporation.

## 6) Ames Technologies, Inc.

\$175,000

This pilot project involves the manufacture and testing of railroad ties constructed of shredded tires, sulfur, and fly ash. These ties are to replace the conventional creosote treated timber and concrete railroad ties. Grant funds will be used for equipment development and purchase, materials testing, supplies and wages. The applicant is located in the City of Ames, Story County. Jolene Hynes is the project manager.

## 7) Comprehensive Systems, Inc.

\$145,000

Grant funds are requested to assist in the construction of additional processing and storage space and processing equipment. The applicant is located in the City of Charles City, Floyd County and accepts materials for processing and marketing from Floyd, Mitchell, and Franklin Counties and the City of Clear Lake. Rick Tinpen is the Executive Director.

## 8) South Central Iowa Sanitary Landfill

\$39,860



The applicant, located in the City of Winterset, Madison County, will implement a pilot project to evaluate the use of waste glass as an underdrain material at the South Central Iowa Sanitary Landfill. The two phased project involves a preliminary material characterization of crushed waste glass and based on preliminary results, phase two consists of construction of a pilot test cells. Leachate generation rates and drainage rates of the pilot cell will be monitored. Grant funds are requested for equipment rental, testing, test site preparation and test site closure. Marcia Beeler is the Manager of the South Central Iowa Landfill.

9) Rosebar Tire Shredding Center, Inc.

\$85,442

The applicant is requesting grant assistance for the purchase of a car tire debader and a truck tire debader and a baler for the purpose of removing a bottleneck in the flow of materials. The project will also improve the recovery of waste rubber from the tires, improve the marketability of the wire found in tires, and decrease the amount of materials currently being landfilled. Eleanor Kaiser is the owner of Rosebar Tire Shredding Center, Inc. and is located in the City of Vinton, Benton County.

10) Horizons Unlimited of Palo Alto County

\$272,093

The applicant is requesting grant assistance to expand the capacity of the regional recycling center in order to accommodate the increased volume of recyclable materials received. Increased materials are the result of two (Kossuth and Pocahontas) counties joining Palo Alto County to jointly send materials to the applicant for processing and marketing. Grant funds will be used for the purchase of processing equipment and construction of a building addition. Horizons Unlimited is located in the City of Emmetsburg, Palo Alto County. Ron Ludwig is the Executive Director.

(Scope of Work and Budget for each project is on file in the department's Records Center).

Ms. Wiekierak briefly explained the contracts.

Charlotte Mohr asked if there is a current status report on Rosebar and notd that this is the second grant that is being awarded to them.

Ms. Wiekierak stated that she does not have a report on Rosebar but can provide the Commission with that information later today.

William Ehm stated that he would like to know whether the cost share Rosebar had for existing equipment and existing buildings was funded through this program.

Gary Priebe asked if it is true that Rosebar lost their contract with the University of Iowa and that the University is now purchasing their shredded tires from out of state.

Ms. Wiekierak stated that she will have to verify that and get back to the Commission.

Gary Priebe also stated that it is his understanding that Rosebar has a pile of tires that grows bigger every day, and he related that he has a problem with funding them if they have lost their contracts and are not disposing of the tires.

*Motion was made by Charlotte Mohr to defer action on the grant award to Rosebar until later in the meeting when more information is provided. Seconded by Gary Priebe. Motion carried unanimously.*

**DELAYED UNTIL LATER IN MEETING**

Chairperson Hartsuck indicated that the Commission would like a complete report on Rosebar at a future meeting.

**MONTHLY REPORTS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 14 pages)



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## Environmental Protection Commission Minutes

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
October 1, 1993

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULE REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 11 - Rule Amendment - Tax Certif.-Pollution Control Property	10/18/93	11/30/93				10/18/93	11/30/93	12/16/93
2. Ch. 22 - Air Construction Permit Exemptions	6/21/93	7/07/93	8/02/93	8/23/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
3. Ch. 22 - Sulfur Dioxide Emission Offsets-Muscataine	7/19/93	8/18/93	9/14/93	9/08/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
4. Ch. 22 - Air Emission Source Operating Permits	9/20/93	*10/13/93	*11/ /93	*11/ /93	*12/20/93	*12/20/93	*1/19/94	*2/23/94
5. Ch. 23 - Emission Standards for Contaminants (Training Fires)	8/16/93	9/15/93	*10/ /93	*10/ /93	*11/15/93	*11/15/93	*12/08/93	*1/12/94
6. Ch. 50,51,52, Agricultural Drainage Well Permits	10/18/93	11/30/93	12/ /93	12/ /93	1/17/94	1/17/94	2/ /94	3/ /94
7. Ch. 61 - UO Standards-Antidegradation Policy	7/19/93	8/18/93	9/14/93	9/16/93 9/17/93 9/29/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
8. Ch. 72 - Flood Plain Development-Protected Streams	7/19/93	8/18/93	9/14/93	9/08/93 9/09/93 9/13/93 9/15/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
9. Ch. 100, 102 - Special Waste Authorizations	3/15/93	4/14/93	5/11/93	5/04/93	9/20/93	*9/20/93	*10/13/93	*11/17/93
10. Ch. 100, & 103 Solid Waste Rules	*10/18/93	*11/30/93	*12/ /93	*12/ /93	*1/17/93	*1/17/93	*2/ /94	*3/ /94
11. Ch. 101 - General Requirements Relating to SW Disposal	7/19/93	8/18/93	*9/14/93	*9/14/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93
12. Ch. 131 - Notification of Hazardous Condition	9/20/93	*10/13/93	*11/ /93	*11/ /93	*12/20/93	*12/20/93	*1/19/94	*2/23/94
13. Ch. 135 - UST, Financial Responsibility	2/15/93	3/17/93	4/05/93	4/06/93	9/20/93	*9/20/93	*10/13/93	*11/17/93
14. Ch. 211 - Grants for Regional Collection Centers	7/19/93	8/18/93	9/14/93	9/16/93	*10/18/93	*10/18/93	*11/30/93	*12/15/93

MONTHLY VARIANCE REPORT						
Month: September, 1993						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	City of Eagle Grove	Wastewater Construction	Kuehl & Payer, Ltd.	Sewer Grade	Approved	09/03/93
2.	City of Libertyville	Wastewater Construction	French-Reneker Associates, Inc.	Minimum Sewer Size	Approved	09/03/93
3.	City of Rome	Wastewater Construction	French-Reneker Associates, Inc.	Pond Influent Piping	Approved	09/06/93
4.	City of Rome	Wastewater Construction	French-Reneker Associates, Inc.	Inlet Discharge Depression	Approved	09/06/93
5.	Landfill of Des Moines, Inc. - Polk County-Site #4	Solid Waste	Environmental Resource Services	Leachate Control	Approved	09/07/93
6.	Landfill of Des Moines, Inc. - Polk County-Site #5	Solid Waste	Environmental Resource Services	Leachate Control	Approved	09/07/93

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# Environmental Protection Commission Minutes

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## TOPIC: Report of Hazardous Conditions

During the period September 1, 1993 through September 30, 1993, reports of 45 hazardous conditions were forwarded to the central office. Two incidents are highlighted below. A general summary and count by field office is attached. This does not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Material, Amount, Cause, Location & Impact	Responsible Party	Response
09/07/93 Scott	A fire occurred in a storage building containing dry fertilizer. Arson is suspected as the cause of the fire. Water was used on the fire, but the run-off did not impact any surface waters. Approx. 2000 pounds of fertilizer was involved in the fire.	Payless Cashways 5120 Brady Street Davenport, Iowa	The building was covered with plastic to prevent rain from diluting and washing the fertilizer from the site. The fertilizer will be repackaged and recycled.
09/17/93 Linn	A railcar was overfilled with furfural. 100 gallons of the material spilled on the car, tracks, and gravel. Although this material is an irritant, no employee exposures were reported.	Quaker Oats 418 Second St. NE Cedar Rapids, Iowa	A contractor was hired to excavate the contaminated soil and gravel. The material will be incinerated.

Month	Substance					Mode				
	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
October	83(87)	54(52)	8(4)	21(31)	51(42)	0(2)	25(24)	2(2)	0(0)	5(17)
November	84(83)	46(56)	7(3)	21(22)	38(44)	1(1)	26(22)	0(0)	0(0)	9(13)
December	67(81)	41(47)	9(7)	17(27)	37(40)	2(2)	28(28)	0(2)	0(1)	9(8)
January	61(64)	47(40)	0(6)	14(18)	32(33)	1(0)	21(22)	1(1)	0(1)	6(8)
February	39(61)	22(38)	2(6)	8(17)	22(36)	0(0)	13(19)	3(2)	0(0)	1(4)
March	71(79)	46(40)	4(15)	21(24)	45(50)	2(0)	21(14)	1(1)	1(0)	1(14)
April	90(107)	58(50)	12(35)	20(22)	55(47)	1(3)	29(39)	2(2)	0(0)	3(16)
May	120(141)	41(41)	52(64)	27(36)	68(75)	4(0)	38(49)	1(1)	2(3)	7(13)
June	103(105)	56(58)	24(25)	23(22)	57(51)	3(2)	30(28)	2(2)	8(3)	3(19)
July	100(85)	61(47)	14(7)	25(31)	64(47)	2(0)	28(18)	1(0)	0(0)	5(20)
August	98(107)	70(75)	7(9)	21(23)	61(57)	0(1)	31(30)	2(1)	0(1)	4(17)
September	45(71)	31(37)	2(3)	12(31)	29(41)	0(1)	12(22)	2(1)	1(0)	1(6)

Total Number of Incidents Per Field Office This Period:

(numbers in parentheses for the same period in fiscal year '92)

1	2	3	4	5	6
6	4	1	1	18	15

## REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of September 1, 1993 through September 30, 1992, the following number of releases from underground storage tanks were identified.

22 (24)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1991.

## Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Waterloo Community School District, Waterloo (1)	Air Quality Hazardous Condition	Asbestos Remedial Action	EMERGENCY Order	9/26/93
Anderson Excavating and Wrecking Co., Iowa City (6)	Air Quality	Asbestos	Referred to AG	9/20/93
Clear Lake Stock Farm, Osceola (2)	Solid Waste	Illegal Disposal	Referred to AG	9/20/93
Porcine-New Way Co., Clinton (6)	Wastewater	Prohibited Discharge	Order/Penalty	9/22/93
Wallace Diemer, Franklin Co. (2)	Wastewater	Prohibited Discharge	Order	9/22/93
St. Donatus, City of (1)	Wastewater	Monitoring/Reporting; Certified Operator	Order/Penalty	9/22/93
Woolstock, City of (2)	Wastewater	Monitoring/Reporting	Order	9/22/93
Woolstock, City of (2)	Drinking Water	Construction Without Permit	Order/Penalty	9/22/93
Manilla, City of (4)	Wastewater	Effluent Limitations	Amended Order	9/22/93
The River Products Co., Iowa City (6)	Wastewater	Discharge Limits	Order/Penalty	9/22/93
Club Elvis, West Burlington (6)	Drinking Water	Permit Condition Violations	Order/Penalty	9/22/93
Packaging Corp. of America, Tama Co. (5)	Wastewater	Discharge Limits	Order/Penalty	9/22/93

## Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Carson Grain & Implement (Coggon)	UT	1,000	8-03-92
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Charles Hennaman (Mitchel Co.)	SW	450	2-16-93
Duane Pospisil d/b/a Duane's Service (Lisbon)	UT	1,000	5-04-93
Dale Hall d/b/a Hall Oil Co. (Des Moines)	UT	300	7-06-93
Robert Bodwell (Winterset)	UT	300	7-07-93
Franklin Raymond (Pacific Junction)	UT	300	7-07-93
Eddie Hemmer (Jones County)	AQ/SW	600	8-01-93
*Delano's Lounge (Washington)	WS	425	9-01-93
Cliff Place (Waverly)	WS	300	9-02-93
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	500	9-20-93
St. Donatus, City of	WW	500	11-23-93
Woolstock, City of	WS	200	11-24-93
Woolstock, City of	WW	400	11-24-93
Linden, City of	WS	500	11-24-93
Porcine-New Way Co.	WW	4,000	11-24-93
The River Products Company (Louisa Co.)	WW	1,000	11-25-93
Packaging Corporation of America (Tama Co.)	WW	10,000	-----
Club Elvis (West Burlington)	WS	300	-----

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The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bowman (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Fregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Muhl (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
*Todd D. Behounek and Paul Behounek (Tama Co.)	SW	100	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	6-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Marion Stark (Kellerton)	UT	300	8-26-92
Midway Water & Lighting (Marion)	WS	810	10-07-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Cloyd Poland	FP	800	12-07-92
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	1-23-93
Don Grell d/b/a Dodger Enterprise (Ft. Dodge)	AQ	10,000	2-16-93
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600	5-02-92
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
David Young d/b/a Sierp Oil Co. (Casey)	UT	300	2-10-93
Clear Lake Stock Farms, Inc. (Osceola Co.)	SW	1,000	7-07-93

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP (Iowa City)	WW	1,000
1st Iowa State Bank (Albia)	SW	1,000
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Maple Crest Motel and MHP (Mason City)	WS	350
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	HC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
Linden, City of	WS	1,000
William H. Viner (Emerson)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgraw Oil Company (Dubuque)	HC	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Stringtown Country Cafe (Lenox)	WS	1,000

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Lincoln Farm and Home Service (Henderson)	WW	1,000
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Richard Newman (Des Moines Co.)	SW	500
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Ida County Sanitary Landfill (Ida Co.)	SW	1,000
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Waste Systems Corp./Ronald Roth (Winnebago Co.)	SW	1,000
Decatur, City of	UT	600
South High Point Well Assn. #1 (Iowa City)	WS	600
Case Power and Equipment (Decorah)	WS	500
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
Country Mobile Home Court (New Hampton)	WS	845
Albert Rohwer/Chelmer Flynn (Scott Co.)	SW	1,000
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000
Fausser Oil Company, Inc. (Elgin)	UT	1,000
Land Renu, Inc. (Rockwell City)	SW	1,000
Holnam Inc. (Mason City)	AQ	5,000
Henning Wood Products, Inc. (Winneshiek Co.)	SW	500
Cyclone Steeple Jacks Inc. (Nevada)	AQ	1,000
Newton, City of	SW	1,000
Wells Dairy, Inc. (LeMars)	WW	5,000
LeMars, City of	WW	5,000
Fine Oil Co.; John and Diane Fine (Appanoose Co.)	AQ/HC/WW	10,000
Economy Solar Corp. (Monticello)	AQ	100
Phil McMains (Appanoose Co.)	SW	4,000
Crane Co. d/b/a Crane Valves (Washington Co.)	SW	500
Donald Udeil (Plymouth Co.)	SW	1,000
Daisy H. Gridley Conservatorship, et.al. (Union Co.)	SW	1,000
Casey's General Stores, Inc. (Anamosa)	AQ	1,000
R. Excavating, Inc. (Council Bluffs)	AQ	1,000
Midwest Asbestos, Inc. (Cedar Falls/Tama)	AQ	500
Technical Asbestos Control, Inc. (Davenport)	AQ	200
Des Moines County Sanitary Landfill (Des Moines Co.)	SW	3,000
Graham Tire Co. of Spencer (Spencer)	UT	1,100
Mel-Ray Mobile Home Park (Ankeny)	WW	500
Thomas L. Burt, et. al. (Butler Co.)	SW	1,000
Oakwood Park Water, Inc. (Ankeny)	WS	1,000
U.S. Dept. of Defense (Sioux City)	UT	5,720
Blue Spruce Feedlots, Inc. (Pottawattamie Co.)	WW	5,000
Valley Restaurant/Sierp Oil/Mary & Carl Sierp (Villisca)	UT	5,000
Valley Restaurant/Sierp Oil/Robert Radford (Villisca)	UT	2,300
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840
Orlo Stewart, et.al. (Webster Co.)	SW	1,000
South Dallas County Landfill Assoc. (Dallas Co.)	SW	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Midway Water & Lighting (Marion)	WS	50
*63-80 Cafe (Moore Oil Co.) (Malcom)	WS	100
Cedar Valley Corporation (Waterloo)	AQ	500
McGill Asbestos Abatement Co., Inc. (Council Bluffs)	AQ	500
Anderson Excavating & Wrecking Co. (Council Bluffs)	AQ	500
Advanced Technologies Corp. (Council Bluffs)	AQ	500
Advanced Technologies Corp. (Cedar Falls)	AQ	800
Advanced Technologies Corp. (Cedar Falls)	AQ	175
Full Moon Saloon (Jesup)	WS	300
Dubuque Regional Airport (Dubuque)	WS	300
Enviro Safe Air, Inc. (Sioux City)	AQ	100
Iowa-Illinois Thermal Insulation, Inc. (Clinton)	AQ	100
Technical Asbestos Control, Inc. (Davenport)	AQ	500
TOTAL		3,925

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## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL REFERRALS October 1, 1993

Name, Location and Region Number	Program	Alleged Violation	BNR Action	New or Updated Status	Date
AF's Corner Oil Co. Carroll (4)	Updated	Hazardous Condition	Remedial Action	Order	Referred Petition Filed Remediation Plan Rejected Trial Date Consent Decree 12/16/91 12/16/92 3/30/93 2/22/94 9/07/93
American Meat Protein Corp Lytton (3)	Updated	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Motion to Add City Granted Trial Date Petition Filed 10/21/91 4/30/92 12/16/92 1/25/94 9/17/93
Ames, William D. Woodbury County (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred 2/15/93
Amoco Oil Company Des Moines (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Suit Filed Trial Date 8/21/90 10/15/90 9/27/91 10/25/93
Anderson Excavating and Wrecking Co. Council Bluffs (4)	New	Air Quality	Asbestos	Order/Penalty	Referred Penalty Paid 9/20/93 9/23/93
Anthony, City of (3)		Wastewater	Discharge Limits	Order	Referred Petition Filed 11/16/92 3/22/93
Behounek, Paul and Todd Tama (5)		Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed Trial Date 5/18/92 12/11/92 12/15/93
Birssingh, Kirshen A. Crescent (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed 6/15/92 12/11/92
Boley, Fred d/b/a Boley Oil McCausland (6)	Updated	Hazardous Condition	Remedial Action	Order	Referred Site Investigation Plan Petition Filed Trial Date Consent Decree (\$2,000/Civil Injunction) 2/17/92 9/03/92 12/14/92 8/26/93 9/14/93
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed 4/15/91 3/25/92
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Oral Arguments Order Affirmed Supreme Court Appeals Filed 8/19/91 8/14/91 9/16/91 11/21/91 3/10/93 4/23/93 5/23/93
Chicago & Northwestern Transportation Co. Stearwood (6)		Air Quality	Open Burning	Referred to Attorney General	Referred Petition Filed 5/07/92 4/06/93
Clear Lake Stock Farm Osoola (2)	New	Solid Waste	Illegal Disposal	Order/Penalty	Referred 9/20/93
Cota Industries, Inc. Des Moines (5)		Hazardous Condition	Remedial Action	Order	Referred Petition for Judicial Review Order Granting Motion to Dismiss Notice of Appeal Affirmed by Supreme Court Petition Filed 4/15/91 4/18/91 7/23/91 8/13/91 10/21/92 4/16/93
Dodd, Dennis D & D Tire Company Moravia (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed 5/17/93 7/30/93

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date	
Dutton, Lloyd Iowa County (6)	Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 8/26/92 12/20/93	
Ecology Enterprises, Inc; Harris D. DeVoe; Michael Morrey; Robert Rausch Chickasaw County (1)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/15/92 3/04/93	
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Referred Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 7/13/90 9/28/90 11/27/90 11/30/90	
		Permit Violations	Referred to Attorney General	Referred Temporary Injunction Order of Contempt Order Granting Stay Contempt Reversed (Court of Appeals) Application for Further Review Supreme Ct. Reversed Ct of Appeals Order to Serve Sentences Application for Hearing Order Denying Reconsideration of Sentence Trial Date	9/16/91 9/18/91 12/20/91 12/26/91 9/29/92 10/16/92 2/17/93 3/17/93 3/18/93 3/19/93 2/15/94	
Gavin, Bernard Gavin Veterinary Clinic Wellsburg (2)	Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed	5/17/93 7/28/93	
Grease Construction Co. Ft. Dodge (2)	Solid Waste Air Quality Burning	Illegal Dis- posal; Open	Referred to Attorney General	Referred Petition Filed	5/29/92 3/26/93	
Grease Construction Co. Ft. Dodge (2)	Hazardous Cond. Wastewater	Site Contamination	Referred to Attorney General	Referred Petition Filed	1/19/93 3/26/93	
Hoyt, Tony L. d/b/a Lake Wilderness Camp Lee County (6)	Solid Waste Air Quality	Illegal Disposal Open Burning	Order/Penalty	Referred Petition Filed	2/15/93 4/15/93	
IBP, inc. Columbus Junction (6)	Wastewater	DNR Defendant	Defense	Suit Filed Judgment for DNR Motion to Enlarge Order Denying Motion Notice of Appeal Appellant's Brief	3/17/92 10/26/92 11/06/92 12/16/92 1/11/93 6/25/93	
International Hydroform Pella (5)	Underground Tank	Remedial Action	Order	Referred	5/17/93	
Iowa City, City of (6)	Updated	Solid Waste	Cover Violations	Referred to Attorney General	Referred Petition Filed Trial Date	4/20/92 1/28/93 1/28/94
Jack Link Truck Line, Inc. Dyersville (1)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93	

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Landfill of Des Moines, Inc. Des Moines #4 (5)	Solid Waste	Compliance Schedule/Other	Order/Penalty	Referred Petition Filed Trial Date	12/16/91 9/01/92 1/26/94
Landfill of Des Moines, Inc. Des Moines #5 (5)	Solid Waste	Compliance Schedule/Other	Order/Penalty	Referred Petition Filed Trial Date	5/18/92 9/01/92 1/26/94
Lytton, City of (3)	Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed (Added to AMPC) Trial Date	5/18/92 12/28/92 1/25/94
Masadem, Donald Rofe (3)	Solid Waste	Operation Without Permit	Order	Referred Petition Filed	1/21/92 8/26/92
Martinez, Vincent d/b/a Martinez Sewer Service Devenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed	2/17/92 12/21/92
Bob McKinnis Excavating & Grading v. IDNR Updated	Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and bifurcation Ruling on Phase 1 Trial	3/12/91 5/01/91 3/26/92 9/01/93
Midway Water & Lighting Marion (1)	Drinking Water	Mtg/Rptg: MCL-Bacteria	Order/Penalty	Referred Petition Filed	12/21/92 4/21/93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	Drinking Water	Mtg/Rptg Nitrate; Other	Order/Penalty	Referred Payment Schedule (\$1,000/Admin.)	11/16/92 4/02/93
Pisndt, Robert B. Pisndt Brothers Trucking Kingsley (3)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93
Pringle, Michael and Brenda d/b/a Follet's Tap Camasche (6)	Drinking Water	Mtg/Rptg: Bacteria/Nitrate	Referred to Attorney General	Referred Petition Filed	6/15/92 3/05/93
Price, John; Bradford Paving Bradford (2) Updated	Underground Tank	Closure Investigation	Order	Referred Petition Filed Trial Date	10/19/92 12/24/92 11/18/93
Prosser, Harlan Cedar Co. (6) Updated	Hazardous Condition	Clean-Up Costs	Defense	Suit Filed DNR Answer	7/27/93 8/13/93
Sedler, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	9/21/92 12/24/92
Schulz, Albert and Iowa Iron Works Ely (1)	Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	9/20/89 8/08/90 11/08/93
Sharp, Tim Geo-Hi-Go Newton (5)	Underground Tank	Site Check	Order/Penalty	Referred Petition Filed	5/17/93 7/27/93
Shelley, Roberto and Sally Guthrie Center (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,000/Admin.; Clean-up Order(s); Notice of Appeal Appellant's Brief State's Brief	4/15/91 7/18/91 5/19/92 8/25/92 9/17/92 11/09/92 1/11/93

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Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Smith, Dan Dallas Center (5)	Underground Tank	Closure Investigation/ Failure to Register	Order	Referred Petition Filed Trial Date	10/19/92 10/26/93 12/01/93
Stark, Marion Kellowna (4)	Updated Underground Tank	Closure Investigation	Order/Penalty	Referred Petition Filed Trial Date	10/19/92 4/16/93 11/04/93
Starling, Vera Perry (5)	Solid Waste	Illegal Disposal	Order	Referred Petition Filed	11/16/92 4/1/93
Winteret, City of (5)	Wastewater	Effluent Limits	Referred to Attorney General	Referred Petition Filed Trial Date	7/20/92 3/23/93 4/26/94
Wunschel, Vernon Ida Grove (3)	Updated Underground Tank	Closure Investigation	Order/Penalty	Referred Tanks Removed Soil Sampling Completed Groundwater Sampling Completed Lab Analysis Submitted Boring Logs Submitted	2/17/92 4/23/92 8/24/92 9/18/92 10/20/92 12/10/92
Yates, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young, David Simp Oil Company Casey (5)	Underground Tank	Closure Investigation	Order/Penalty	Referred	5/17/93

DEPARTMENT OF NATURAL RESOURCES  
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Delwin Soil Service	Administrative Order	WU	Lande	Hearing continued.
5-12-87	Iowa City Regency WWP	Administrative Order	WU	Hansen	Facility requested DNR calculate MUA and permit limits for proposed upgrade. Facility retained engr. to complete preliminary engineering report.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Vornson	SCR submitted.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review. Judicial review hearing continued.
1-25-89	Amoco Oil Co. - Des Moines 711103	Administrative Order	UT	Vornson	Clean-up progressing. Review progress. Settle penalty - close.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Vornson	Compliance initiated. Review progress. Settle penalty - close.
6-08-89	Shaver Road Investments	Site Registry	WU	Lande	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	WU	Lande	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	WU	Murphy	Hearing continued. Discovery initiated.
6-12-89	Amara	Site Registry	HC	Murphy	Settled.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-22-89	Chicago & Northwestern Transportation Co. Newkay Land Co. Blue Chip Enterprises	Administrative Order	HC	Murphy	District court affirms Sept. - 4/23/93. Appealed to Iowa Supreme Court.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
11-20-89	FFCA/11P	Site Registry	HC	Murphy	Considering dismissal.
4-23-90	Sioux City, City of	Administrative Order	WJ	Hansen	Amended order to be issued.
5-08-90	Tenace Inc./Chemples Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SU	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WJ	Hansen	City response under review by EPD.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing set for 5/4/93.
9-10-90	IBP, Inc. Columbus Junction	Administrative Order NPDES Permit	WJ	Hansen	Appealed to Polk Co. District Court. Judgment for DNR. Appealed to Supreme Court. Briefs submitted.
9-12-90	Michael & Joyce Haus; George H. Gronau	Administrative Order	UT	Vernson	New party has assumed liability. Will dismiss case upon completion of SCR.
9-20-90	Duane Schuering	Variance Denial	SU	Kennedy	Hearing continued.
10-15-90	Vestside General Store Corp.	Administrative Order	UT	Vernson	Investigate alternatives-finalize liability, etc.
10-18-90	Marlan Pruess	Claim	HC	Murphy	Proposed decision - 2/16/93. Appealed to EPC. Affirmed/modified - 6/21/93. Appealed to Cedar County District Court.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	UR	Clark	Settlement close.
12-04-90	United States Gypsum Company	Administrative Order	SU	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Vernson	Settlement close.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SU	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SU	Kennedy	Hearing set for 11/29/93.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Preziosi	Settled.
3-22-91	Mitchell Bros. Beans and Glits	Administrative Order	WJ	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WJ	Hansen	Letter sent 9/4/92 regarding resolution of appeal.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
5-16-91	Oakdale, City of	Administrative Order	WJ	Hansen	6/7/93 - Settlement offer to City. 6/29/93 - Offer accepted; additional extension requested. Reviewed by EPO and approved.
5-28-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Firestone proceeding with site investigation.
7-24-91	Alter Trading Corp. (Devenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Bannix Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance hearing completion.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
1-07-92	Viola, City of	Administrative Order	WS	Hansen	2/93 revised report reviewed by WS - new schedule proposed.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93.
1-21-92	Oell Oil, Ltd.	Administrative Order	HC	Wornson	Settlement draft proposed.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Consent order drafted. Awaiting execution. Attorney contacted regarding response.
3-30-92	White Consolidated Industries	Administrative Order	WJ	Hansen	Negotiating before filing.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Hearing continued until further order.
4-09-92	Wayne Transports, Inc.	Administrative Order	WJ	Murphy	Negotiating before filing.
4-15-92	Mulgraw Oil Co.	Administrative Order	HC	Wornson	Negotiating before filing.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting documents.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WJ	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-05-92	Wilson Foods	Permit Denial	AQ	Preziosi	Negotiating before filing.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
6-26-92 10-05-92 1-12-93	Waste Systems Corp. and Robert Roth d/b/a Winnebago Co. SLF	Administrative Order Denial of Comp. Plan Amended Order	SW	Kennedy	Settlement pending.
7-01-92	Richard A. Newman	Administrative Order	SW	Kennedy	Decision received 9/1/93.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WJ	Murphy	Firestone proceeding with site investigation

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## DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION CONTESTED CASES October 1, 1993

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8-06-92	Bandy Bonin and Vickie Brannick	Administrative Order	SM	Kennedy	Negotiating before filing.
8-13-92	Iowa County Sanitary Landfill	Administrative Order	SM	Kennedy	Hearing set for 11/12/93.
8-13-92	Iowa Conference of the United Church of Christ	Administrative Order	FP	Clark	Negotiating before filing.
8-24-92	Dean Knoess d/b/a Knoess & Sons	Administrative Order	UT	Vornson	Financial inability claimed. Request documents.
8-31-92	Cedar Valley Corp.	Administrative Order	AQ	Preziosi	Settled.
9-03-92	Casa Power and Equipment	Administrative Order	VS	Hansen	Case proposal to resolve appeal to Dept.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	VS	Clark	Settlement close.
9-21-92	ITUC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WM	Hansen	Negotiating before filing.
10-06-92	Lloyd Becker	Administrative Order	SM	Kennedy	Negotiating before filing.
10-07-92	E. Kent and Joan Cooper	Administrative Order	UT	Vornson	Settled.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Settlement close.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Vornson	Compliance except for penalty. Making demand for penalty.
10-16-92	Ames, City of; Cy-Ride	Permit Denial	AQ	Preziosi	Settled.
10-28-92	Albert Rohrer, Jr.	Administrative Order	SM	Kennedy	Negotiating before filing.
11-13-92	Tracy Below	Administrative Order	WM	Clark	Hearing continued.
11-16-92	Grand Laboratories Inc.	Administrative Order	WM	Hansen	9/12/93 Dept. letter to facility again requesting revised assessment plan.
11-16-92	Frank Huishizer	Administrative Order	SM	Kennedy	Negotiating before filing.
11-23-92	Cargill, Inc.	Administrative Order	SM/WM	Kennedy	Informal meeting 12/4/92.
12-04-92	Fausser Oil Co., Inc.	Administrative Order	UT	Vornson	No settlement. Refer for hearing.
12-14-92	Quantum	Permit Conditions	WM	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 - response from company. Company collecting data.
12-14-92	Gary Lator	Administrative Order	AQ/SM	Kennedy	Negotiating before filing.
12-15-92	18P, Inc. Geneseo, IL	SMA Denial	SM	Kennedy	Negotiating before filing.
2-24-93	Salem Lutheran Church	US Classification	VS	Clark	Settlement close.
3/09-93	James, William d/b/a Bill James Agencies	Administrative Order	SM	Kennedy	Negotiating before filing.
3/11/93	Land Remu, Inc.	Administrative Order	SM	Vornson	Compliance delayed due to water problems.
3/15/93	Pat Benjamin	Administrative Order	UT	Vornson	Analyzing financial inability.
3/19/93	Reinem Inc.	Administrative Order	AB	Preziosi	Settlement close.

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CONTESTED CASES  
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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-12-93	Chicago & North Western Transportation Co.	Administrative Order	HC	Varnson	Negotiating before filing.
1-22-93	Pirelli Armstrong Tire Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
1-28-93	Midway Oil Company (Indiana)	Administrative Order	UT	Varnson	Negotiating penalty.
1-28-93	Raven Corp.; Midway Oil Co. (Toledo)	Administrative Order	UT	Varnson	Negotiating penalty.
1-29-93	Case Corporation	Permit Conditions	WS	Hansen	3/1/93 Case proposal to BNR to resolve appeal.
2-19-93	TRS Industries, Inc.; City of Des Moines	Administrative Order	SW	Kennedy	Hearing held for 7/04/93. Decision received 9/13/93.
3/29/93	Hanning Wood, Inc.	Administrative Order	SW	Kennedy	Settlement meeting set for 9/3/93.
4/02/93	Newton, City of	Administrative Order	SW	Kennedy	Negotiating before filing.
4/05/93	Cyclone Steeple Jacks, Inc.	Administrative Order	AG	Preziosi	Negotiating before filing.
4/05/93	Hapleton, City of	WM Operator Certification	WM	Hansen	Under review by EPD - letter drafted.
4/09/93	Economy Solar Corp.	Administrative Order	AG	Preziosi	Hearing set for 11/10/93.
4/09/93	Fine Oil Co., Inc.	Administrative Order	AG/HC WM	Preziosi	Negotiating before filing.
4/09/93	Wells Dairy, Inc.	Administrative Order	WM	Hansen	8/26/93 revised treatment agreement approved by Dept..
4/12/93	LeMars, City of	Administrative Order	WM	Hansen	Plan of action submitted. Reviewed by EPD. Construction permit issued.
4/16/93	Phil McMeins	Administrative Order	SW	Kennedy	Negotiating before filing.
4/19/93	Council Bluffs, City of	Permit Conditions	WM	Hansen	Under review by EPD.
4/19/93	Enviro Safe Air	Administrative Order	AG	Preziosi	Settled.
4/21/93	Donald Udell	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Crane Co.	Administrative Order	SW	Kennedy	Negotiating before filing.
4/26/93	Caseys General Store	Administrative Order	AG	Preziosi	Settled.
4/26/93	Low-Illinois Thermal Insulation, Inc.	Administrative Order	AG	Preziosi	Settled.
4/29/93	Technical Asbestos Control	Administrative Order	AG	Preziosi	Settled.
4/30/93	R. Excavating, Inc.	Administrative Order	AG	Preziosi	Settlement close.
5/07/93	Midwest Asbestos, Inc.	Administrative Order	AG	Preziosi	Settlement close.
5/10/93	Advanced Technologies	Administrative Order	AG	Preziosi	Settled.
5/10/93	Advanced Technologies	Administrative Order	AG	Preziosi	Settled.
5/21/93	Technical Asbestos Control	Administrative Order	AG	Preziosi	Settled.
5/23/93	Fellner Motors	Administrative Order	YP	Clerk	Negotiating before filing.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6/01/93	Graham Tire Co. of Spencer	Administrative Order	UT	Wornson	Compliance initiated.
6/17/93	Lawrence Schmitz, Gerald Schmitz, Duane Schmitz, Vernon Schmitz, and Ruth Ann Friedlars	Permit Issuance	FP	Clark	Sent to BIA.
6/21/93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing..
6/13/93	Leo Schachtner	Permit Issuance.	FP	Clark	Sent to BIA.
6/29/93	Mel-Ray NHP and Sales	Administrative Order	WJ	Clark	Negotiating before filing..
7/02/93	Merlyn Stanbrough; Dorrie Stanbrough	Administrative Order	SW	Kennedy	Appeal to be withdrawn.
7/04/93	Dennis E. Good	Administrative Order	UT	Wornson	Negotiating before filing.
7/09/93	Oakwood Park Water, Inc.	Administrative Order	WS	Hansen	Proposal by facility's attorney 7/13/93. Response by Dept. 8/3/93. Response by facility 8/11/93.
7/14/93	South Dallas Co. Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
7/20/93	Valley Restaurant/Sierp Off; Mary & Carl Wierp; and Robert Radford	Administrative Order	UT	Wornson	Negotiating before filing.
7/23/93	Blue Spruce Feedlots, Inc.	Administrative Order	WJ	Clark	Negotiating before filing.
7/26/93	Dekalb	Permit Denial	AQ	Preziosi	Appeal withdrawn.
7/27/93	Trust Trucking Co.	Administrative Order	UT	Wornson	New case.
7/28/93	Berniece K. Masse	Administrative Order	UT	Wornson	New case.
8/03/93	Grain Processing Corp.	Administrative Order	AQ	Preziosi	Negotiating before filing.
8/06/93	Muscataine Power & Water	Administrative Order	AQ	Preziosi	Negotiating before filing.
8/06/93	Monsanto	Administrative Order	AQ	Preziosi	Negotiating before filing.
8/16/93	Orchard, City of	Variance Denial	WJ	Murphy	Tabled by EPC until 10/18/93.
8/23/93	Walnut Grove Products	Permit Denial	AQ	Preziosi	New case.
8/24/93	Green Valley Chemical	Permit Conditions	WJ	Hansen	New case.
9/09/93	Ames Transit Authority	Permit Conditions	AQ	Preziosi	New case.

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Mr. Stokes presented the monthly reports.

Chairperson Hartsuck asked about the status of the Harlan Pruess case.

Mike Murphy stated that the Pruess's have appealed to the Cedar County court and he has not heard of a date being set for the hearing.

INFORMATIONAL ONLY

**PROPOSED RULE--CHAPTER 108, BENEFICIAL REUSE OF FOUNDRY SAND**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The attached proposed rule is being presented to the Commission for information only at this meeting. The department would intend to ask the Commission to approve a Notice of intended Action on this rule at their November meeting, to solicit public comment on this proposal.

The attached rules would exempt used foundry sand from regulation as a solid waste under certain specified conditions where the used foundry sand is being reused for beneficial purposes or as a raw material feed stock for other products or materials.

The department has been working with representatives of the foundry industry in Iowa in the formulation of these proposed rules.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code sections 17A.3(1) and 455B.304(1), the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 108, "Reuse of Solid Waste," Iowa Administrative Code.

The proposed amendments will authorize and establish criteria for the beneficial reuse of foundry sand, without the need for a permit under the department's solid waste authority.

Any interested person may make written suggestions or comments on the proposed rule on or before \_\_\_\_\_. Such written materials should be directed to \_\_\_\_\_, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034, FAX (515)281-8895. Persons who wish to convey their views orally should contact \_\_\_\_\_ at \_\_\_\_\_.

There will be a public hearing on \_\_\_\_\_ at \_\_\_\_\_ p.m. in the \_\_\_\_\_ Conference Room of the Wallace State Office Building, at which time persons may present their



views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

This rule is intended to implement Iowa Code sections 455B.301-.308.

This rule may impact small business.

The following amendments are proposed:

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ITEM 1. Amend rule 108.1 as follows:

567--108.1(455B) Scope. This chapter establishes the conditions under which certain solid wastes may be reused, without a solid waste permit. It does not relieve any duty to obtain other permits or comply with other rules which may apply. Solid waste which is not reused in accordance with this chapter must be disposed, processed, composted, recycled or land applied in conformance with chapters 101 to 121 of these rules. This chapter applies only to the materials listed, and not to such materials mixed with other wastes.

ITEM 2. Amend rule 108.2(455B) by adding the following definition, in alphabetical order:

"Used foundry sand" means residuals from the foundry industry which are derived from molding, core-making, and casting cleaning processes that primarily contain either individually or in combination sand, olivine or clay and which by specified leach test is acceptable for reuse.

ITEM 3. Adopt a new rule 108.4(455B), as follows:

567--108.4(455B) Used foundry sand.

108.4(1) General conditions of reuse - foundry sand.

a. A representative sample of used foundry sand shall be used for reuse classification by point of generation. A sample is to be collected from each contributing type of manufacturing process in accordance with U.S. EPA Method SW-846 and the sampling frequency schedule described in the Foundry Sand Management Plan (see IAC section 108.4(3)).

b. A representative sample of leachate extracted by RCRA TCLP (Toxic Characteristic Leaching Procedure -- referenced 40 CFR Part 261, Appendix II) analysis shall be used for classification of used foundry sand for reuse. Any used foundry sand possessing leachate characteristics less than or equal to 90% of Federal RCRA TCLP leachate classification limits (reference 40 CFR 261.24) shall be considered acceptable for reuse.

c. A representative sample is to be evaluated for pH using U.S. EPA Method 9045. Any used foundry sand possessing a pH greater than or equal to 5.0 and less than or equal to 10.0 shall be considered acceptable for reuse.

108.4(2) Short term storage requirements.

Used foundry sand may be accumulated in an on-site or off-site storage facility, including shared facilities, without a permit in anticipation of reuse provided that the storage activity is managed in accordance with a site-specific foundry sand management plan that has been certified (approved) by an officer of the facility assuming overall site management responsibility or its designated representative.

a. Short term accumulation of used foundry sand shall be restricted only to the extent that the storage site meets or exceeds the site management restrictions listed in paragraph "b" of this subrule, and:

1. Used foundry sand cannot be stored unless the total accumulation is less than the volume needed for support of the specific reuse application(s) identified by the Plan (see subrule 108.4(3)), or in the alternative

2. The accumulation period does not exceed three years.

b. Any storage site used for temporary accumulation of used foundry sand:

1. Shall be defined by boundaries that do not extend into a wetland or within one-quarter mile of known sinkhole.

2. Shall not extend below or within five feet of normal groundwater elevations, or into any waters of the state.

3. Shall not be required to meet liner, leachate collection system or daily cover criteria.

4. Shall not be used for storage of used foundry sand if it does not meet subrule 208.4(1).

108.4(3) Used foundry sand management plan requirements.

Any foundry sand management plan developed in anticipation of short term storage and reuse of used foundry sand must include the following:

a. Identification of an individual responsible for management of the storage site in accordance with the requirements of the plan. Identification is to include:

1. Name and title.

2. Mailing address.

3. Telephone number.

b. For any storage site involving multiple users, identification of the user(s) (i.e., participating facilities) and identification of the facility assuming overall site management responsibility. For each storage site user, identification is to include:

1. Facility name.

2. Street address.

3. Mailing address.

4. Designated contact person.

5. Telephone number of designated contact person.

c. Identification of the storage site location with a scaled map or aerial photograph showing as a minimum:

1. Relevant topographical features of the site.

2. Site drainage areas, if applicable.

3. Expected grading plan for the storage pile.

4. Prohibited storage areas at the storage site.

d. Documentation demonstrating legal entitlement to the use of the site specified for storage of used foundry sand in anticipation of beneficial reuse in accordance with these provisions and as described by the Plan.

e. Documentation of Department of Natural Resource approval of a storm water discharge permit for the storage site, if applicable.

f. Identification of reuse application(s) for which used foundry sands are being accumulated.

g. Specification of a compliance assurance and sampling procedure to ensure that only used foundry sands acceptable for reuse are accumulated. Compliance assurance is to be assured through a defined sampling program requiring, as a minimum, quarterly sampling for the first year, as a baseline, followed by annual foundry sand stream sampling thereafter.

h. Current accumulations of used foundry sand residuals may be made available for reuse and incorporated into the plan provided that representative samples are taken to ensure conformance with the standards outlined in IAC section 108.4(1).

i. Identification of site management controls for control of:

1. Fugitive dust.
2. Storm water run-on, run-off, or containment.
3. Access to site.

j. An annual year-end summary of used foundry sand transfers into or out of the storage site, including the following:

1. The amount, tonnage or volume, of used foundry sand deposited into or withdrawn from the storage site, the date(s) of transfer activity, and a running total of used foundry sand accumulations held at the storage site.

2. Analytical data for any used foundry sands sampled for reuse classification acceptability.

3. Detailed information for each reuse activity, including:

- (a) Identification of party to whom sand was supplied.
- (b) Identification of transporter if different from 108.4(3)a.
- (c) The approximate tonnage or volume of used foundry sand withdrawn.
- (d) Date transported.
- (e) Description of beneficial reuse and its location.

The annual report for any given year must be completed by March 1 of the following year. Submittal to the department of natural resources is not required although each annual report must be kept for a minimum period of five years following the year-end date, or for the period of site use plus five years. Any initial sampling data is to be kept as baseline data for the period of time the storage site is in use.

k. Annual management certification (approval) by an officer of the facility assuming overall site management responsibility or his designated representative that any used foundry sand accumulated on-site and transported off-site for reuse are being managed in accordance with the procedures and requirements of the approved plan.

108.4(4) Beneficial uses for which no permit is required.

Used foundry sand may be used for the following beneficial purposes without a solid waste management permit in accordance with a used foundry sand management plan consistent with subrule 108.4(3) provided it is for the following beneficial purposes:

- a. Daily cover for litter and vermin control at a sanitary landfill in accordance with the sanitary landfill permit.
- b. Road ballast.
- c. Construction/architectural fill.
- d. Dike or levee construction, repair or maintenance. Prior written notification must be made by the foundry to the department. If the department does not respond within 30 days, use shall be deemed appropriate.
- e. Fill base - may be used as base material substitute for roads, road shoulders, parking lots, and any other similar use.
- f. Any other beneficial use upon written notification by a foundry person of the intended reuse activity. If the department does not provide written objection within 30 days the intended use is deemed appropriate.

108.4(5) Uses for which no authorization is required.

The following used foundry sand applications may be used without authorization since this form of beneficial use qualifies it as a commercial material.

a. Raw material constituent. For flowable fill (low strength concrete material), or will become concrete, asphalt and any other similar use where the used foundry sand is encapsulated while providing all or a portion of the aggregate and critical constituents necessary for production of the final product.

b. Production feedstock. For reclaim or reuse as a production material.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Larry J. Wilson, Director

Mr. Stokes gave a detailed explanation of the rule.

Brief discussion followed and Commissioner Priebe asked about the contents of foundry sand.

Mr. Stokes explained some concerns with contents of foundry sand and noted that staff could arrange for someone in that industry to give the Commission a presentation on that next month.

INFORMATIONAL ONLY

**NOTICE OF INTENDED ACTION--CHAPTER 100 AND 103, SOLID WASTE RULES**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached notice of intended action for amendments to state solid waste regulations.

In 1987 the legislature amended 455B requiring the Commission to adopt rules addressing requirements for sanitary landfills to install shafts to relieve the accumulation of gas in the disposal cells. The department will also be requesting EPA approval of the state solid waste program pursuant to newly adopted federal regulations under Subtitle "D" of the Resource Conservation and Recovery Act. In order for state regulations to be consistent with federal requirements it will be necessary to amend state rules to add location restrictions relating to siting new landfills or lateral expansions; and to require landfill gas monitoring.

Gas monitoring criteria assure that the methane gas generated within a landfill will not cause explosive conditions in structures on the landfill or off the landfill site.

Location restrictions assure that landfills located in faults areas, seismic zones, or unstable areas are designed and constructed to prevent release of contamination to the environment under all

conditions. Additionally, location restrictions help ensure that any birds which may be attracted to a landfill operation, will not cause safety hazards for airplanes landing at public airports.

If approved by the Commission, these rules will be placed on public notice and public comments received and considered.

## ENVIRONMENTAL PROTECTION COMMISSION

### Notice of Intended Action

Pursuant to Iowa Code 455B.304, the Environmental Protection Commission proposes to adopt amendments to 567--Chapter 100 "Scope of Title-Definitions-Forms-Rules of Practice" and Chapter 103 "Sanitary Landfills".

In 1987, the Iowa Legislature amended Chapter 455B and required that operators of sanitary disposal projects may have to install shafts to relieve the accumulation of gas from a sanitary disposal project. Also, the Department desires to obtain EPA approval of the Iowa Solid Waste Management Program. In order to obtain approval, it is necessary to amend the existing rules to include location restrictions related to airports, fault areas, seismic zones, and unstable areas; and gas monitoring. As a result of amendment 455B.306 and the desire to obtain EPA approval, Chapter 567-100 must be amended to include a definition of a sanitary landfill and a lower explosive limit, and definitions related to airport safety, fault areas, seismic impact zones, and unstable areas. Chapter 567-103 must be amended to require owners and operators of sanitary landfills to monitor sanitary landfills for explosive gases, to implement remediation if the gas concentrations exceed stated levels, and to demonstrate that proposed new landfills or lateral expansion to existing landfills comply with location restrictions.

The amendments may economically impact small businesses.

The following amendments are proposed:

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Item 1. Amend rule 567-100.2 (455B), definition of "Municipal Solid Waste Landfill (MSWLF)," as follows: "Municipal Solid Waste Landfill" means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or waste pile, as those terms are defined under 40 Code of Federal Regulations part 257.2. A MSWLF also may receive other types of RCRA subtitle D wastes, such as commercial solid waste, non hazardous dry sludge, small quantity generator waste and industrial solid waste. A MSWLF may be publicly or privately owned. A MSWLF may be a new MSWLF site, an existing MSWLF site, or a lateral expansion.

Further amend rule 567-100.2 (455B) by adding the following new definition in alphabetical order:

"Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

"Areas susceptible to mass movement" means those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the MSWLF site, because of natural or man-induced events, results in the down slope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides, and flows, soil function, block sliding, and rock fall.

"Bird hazard" means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

"Displacement" means the relative movement of any two sides of a fault measured in any direction.

"Fault" means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.

"Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch to the present.

"Karst terrain" means areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terrains include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

"Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles or older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth surface.

"Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases in air that will propagate a flame at 25 degrees Celsius and atmospheric pressure.

"Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.



"Poor foundation conditions" means those areas where features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of an MSWLF site.

"Seismic impact zone" means an area with a ten percent or greater probability that the maximum horizontal acceleration in the lithified earth material, expressed as a percentage of the earth's gravitational pull paragraph (g) of this section, will exceed 0.10g is 250 years.

"Structural components" means liners, leachate collection systems, final covers, run-on/run-off systems, and any other component used in the construction and operation of the MSWLF that is necessary for protection on human health and the environment.

"Unstable area" means a location that is susceptible to natural or human-induced events of forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas can include poor foundation conditions, areas susceptible to mass movements, and Karst terrains.

Item 2. Amend rule 103.2 by adding:

103.2(16) Explosive Gases Control.

a. Owners or operators of all sanitary landfills must ensure that:

(1) The concentration of methane gas generated by the facility does not exceed 25 percent of the lower explosive limit for methane in facility structures (excluding gas control or recovery system components); and

(2) The concentration of methane gas does not exceed the lower explosive limit for methane at the facility property boundary.

b. Owners or operators of all sanitary landfills must monitor quarterly for compliance with paragraph "a" of this subsection. An annual report by November 30 summarizing the methane gas monitoring results and any action taken resulting from gas levels exceeding the limits during the previous year.

c. If methane gas levels exceeding the limits specified in paragraph "a" of this section are detected, the owner or operator must:

(1) Immediately take all necessary steps to ensure protection of human health and notify the director;

(2) Within seven days after detection submit to the director a report stating the methane gas levels detected and a description of the steps taken to protect human health;



(3) Within 60 days of detection, implement a plan for remediation of the methane gas releases and send a copy of the remediation plan to the director. The plan shall describe the nature and extent of the problem and the proposed remedy.

Item 3. Amend 103.2(1)m by adding the following:

(8) Not located within 10,000 feet of any airport runway end used by turbojet aircraft or within 5,000 of any airport runway end used by only piston-type aircraft. If the distances stated in this paragraph can not be met, the report must demonstrate that the site is designed and operated so that it does not pose a bird hazard to aircraft. For any site within a five mile radius of any airport runway used for turbojet or piston-type aircraft the report must show that the Federal Aviation Administration has been notified.

(9) Not located within 200 feet of a fault that has had displacement in holocene time unless it is demonstrated in the report that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the site and will be protective of human health and the environment.

(10) Not located in seismic impact zones, unless the report demonstrates that all containment structures, including liners, leachate collection systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in the lithified earth material for the site.

(11) Not located in an unstable area. If the site is located in an unstable area, the report must demonstrate that engineering measures have been incorporated into the site design to ensure that the integrity of the structural components of the site will not be disrupted. The demonstration must consider the on-site or local soil conditions that may result in significant differential settling, on-site or local geologic or geomorphologic features, and on-site or local human-made features or events (both surface and subsurface).

Mr. Stokes gave a detailed explanation of the rules.

Discussion followed regarding the incidence of methane explosions in landfills; problems with methane buildup and resulting leachate; venting methane into the air; and capturing methane to run generators to supply electricity.

*Motion was made by Nancylee Siebenmann to approve Notice of Intended Action--Chapters 100 and 103, Solid Waste Rules. Seconded by William Ehm. Motion carried unanimously.*

APPROVED AS PRESENTED

**FINAL RULE--CHAPTER 61, WATER QUALITY STANDARDS ANTIDEGRADATION POLICY**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval of the attached Final Rule is requested. The amendments will clarify that the repair and maintenance of a drainage district ditch will not be considered a violation of the Commission's water quality antidegradation policy. The definition of "repair and maintenance of a drainage district ditch" found in Chapter 70 and referenced in the amendment to the antidegradation policy is also being revised to reflect statutory changes in the state's drainage laws and to clarify what constitutes a drainage district ditch.

Public hearings were held in Burlington, Algona and Des Moines and written comments were accepted through September 24, 1993. Only two written comments and one oral comment were received; all supported the amendments. Senator Priebe did suggest during the Administrative Rules Review Committee meeting that the language exempting repair and maintenance activities from the antidegradation policy be extended to all "private ditches", not just drainage ditches. However, such a change would far exceed the intent and scope of the present rulemaking effort and would have to be dealt with separately.

The rule amendments are identical to those as published in the Notice of Intended Action. The only change from the draft NOIA as approved by the Commission is the addition of Item 2 by the Iowa Administrative Code editor. Item 2 changes the Iowa Code reference from Chapter 109 to 481A to reflect renumbering of the Iowa Code. If approved, the amendments will be effective in December, 1993.

**ENVIRONMENTAL PROTECTION COMMISSION [567]**

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105, 455B.173 and 455B.278, the Environmental Protection Commission has adopted amendments to Chapter 61, "Water Quality Standards," and Chapter 70, "Scope of Title - Definitions - Forms - Rules of Practice," Iowa Administrative Code.

The amendments clarify that the repair and maintenance of a drainage district ditch would not be considered a violation of the Commission's water quality antidegradation policy. The definition of "repair and maintenance of a drainage district ditch" currently found in Chapter 70 and referenced in the amended water quality antidegradation policy has been revised to reflect statutory changes and to clarify what constitutes a drainage district ditch.

Notice of Intended Action was published in the August 18, 1993 Iowa Administrative Bulletin as ARC 4198A. The amendments adopted are identical to those contained in the Notice of Intended Action.

The amendments were adopted by the Environmental Protection Commission at its October 18, 1993 meeting and will become effective on December 15, 1993.

These rules are intended to implement Iowa Code chapter 455B, division III, part 1 and division III, part 4.

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The following amendments are adopted.

Item 1. Amend paragraph 61.2(2)"h" to read as follows:

h. This policy shall be applied in conjunction with water quality certification review pursuant to Section 401 of the Act. In the event that activities are specifically exempted from flood plain development permits or any other permits issued by this department in 567-Chapters 70, 71, and 72, the activity will be considered consistent with this policy. Other activities not otherwise exempted will be subject to 567-Chapters 70, 71, and 72 and this policy. The repair and maintenance of a drainage district ditch as defined in 567-70.2 (481A, 455B) will not be considered a violation of the antidegradation policy for the purpose of implementing Title IV of these rules. United States Army Corps of Engineers (Corps) nationwide permits, 33 CFR 330, numbers 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 32, 33, 34, 36, 37, 38, and 40, as promulgated November 22, 1991, are certified pursuant to Section 401 of the Clean Water Act. Regional permit numbers 2, 12, and 20 of the Rock Island District of the Corps are also certified. No specific Corps permit or 401 certification is required for activities covered by these permits unless required by the nationwide permit or the Corps, and the activities are allowed subject to the terms of the nationwide and regional permits.

Item 2. Amend 567-Chapter 70 by striking "109" and inserting "481A" to reflect renumbering of the 1993 Iowa Code.

Item 3. Amend 567-70.2(481A, 455B), the definition of "repair and maintenance of a drainage district ditch," as follows:

*"Repair and maintenance of a drainage district ditch"* means the restoration of the original grade line, cross-sectional area, or other design specifications of a drainage district ditch lawfully ~~constructed by a drainage district formed~~ established as part of a drainage district formed and operating under the provisions of Iowa Code Chapter 455 ~~468~~.

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Larry J. Wilson

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Date

Mr. Stokes reviewed the rules and comments received.

Discussion followed pertaining to the clarification of a drainage district, how they are formed and how they operate.

*Motion was made by Rozanne King to approve Final Rule--Chapter 61, Water Quality Standards Antidegradation Policy. Seconded by Charlotte Mohr. Motion carried unanimously.*

APPROVED AS PRESENTED

### **EMERGENCY ADOPTED RULE--CHAPTER 11, TAX CERTIFICATION OF POLLUTION CONTROL PROPERTY**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

1993 Iowa Acts, S.F. 405 amended Iowa Code section 427.1(32) which allows a tax exemption for air or water pollution control property. To obtain such exemption, this department has to certify to the taxing authority that the property is pollution control equipment. The 1993 amendment adds an exemption for "recycling property" used primarily in the manufacturing process and resulting directly in the conversion of waste plastic, wastepaper products, or waste paperboard into new raw materials or products composed primarily of recycled material. Since the Department also has to certify recycling property in order for the owner to obtain the tax exemption, we need to amend our existing rules to reflect this statutory amendment. Since all we propose to do is insert the statutory language into our rules, there is no need for notice and public comment, and it would benefit the public to implement this new provision as soon as possible. The Commission is requested to adopt the attached rule change, without notice and public comment.

### **ENVIRONMENTAL PROTECTION COMMISSION [567]**

Adopted And Filed Without Notice

Pursuant to the authority of Iowa Code section 427.1(32) the Environmental Protection Commission hereby amends Chapter 11, "Tax Certification of Pollution Control Property" appearing in the Iowa Administrative Code.

These amendments add recycling property to the types of property which qualifies for a property tax exemption under Iowa Code Section 427.1(32). These changes are mandated by the acts of the 75th General Assembly, 1993 Regular Session, Senate File 405 which adds recycling property to pollution control property that is entitled to the Environmental Property Tax exemption.

The Environmental Protection Commission finds that Notice and public participation are unnecessary because these changes are mandated by acts of the 75th General Assembly, 1993 Regular Session, Senate File 405, in order to allow recycling property to receive the tax exemption and there is not adequate time for public comment. Therefore, these amendments are filed pursuant to Iowa Code Section 17A.4(2).

These rules are intended to implement Iowa Code Section 427.1(32).

These rules shall become effective December 16, 1993.

The following amendments are adopted:

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ITEM 1. Amend 567--Chapter 11 Title as follows:

**TAX CERTIFICATION OF POLLUTION CONTROL OR RECYCLING PROPERTY**

ITEM 2. Amend Rule 567--11.1(427), introductory paragraph, to read as follows:  
567--11.1(427) Scope. This chapter applies to persons who request certification by the department pursuant to Iowa Code Section 427.1(32) that property is air or water pollution control or recycling property.

ITEM 3. Amend Subrule 11.6(1), as follows:

11.6(1) General. Property which has been installed and is used primarily to meet an effluent standard, a water quality standard, an emission standard or to control hydrocarbons, fugitive dust, odors or other air contaminants in a reasonably adequate manner shall be considered to be used primarily to control or abate pollution of water or air of the state. Property which has been installed to meet a standard more stringent than an emission or water quality standard shall be considered to be used primarily to enhance the quality of the water or air of this state. Personal property or improvements to real property or any portion of the property, used primarily in the manufacturing process and resulting directly in the conversion of waste plastic, wastepaper products, or waste paperboard, into new raw materials or products composed primarily of recycled material shall be considered recycling property. Each request will be considered in the context of its particular circumstances.

ITEM 4. Amend Subrule 11.6(2) as follows:

11.6(2) Denial. Property may be denied certification if it is not being operated in compliance with the rules of the department so as to effectively control or abate pollution or enhance the quality of the air or water of the state, or recycle property into new raw materials or products composed primarily of recycled material. Property which was constructed or installed without permits required from the department will be denied certification unless and until such time as the property has received after-the-fact approval from the department.

\_\_\_\_\_  
Date

Larry J. Wilson, Director

Mr. Stokes explained the rule in detail and asked the Commission to approve adoption of the rule without notice.

Brief discussion followed.

*Motion was made by William Ehm to approve Rule Amendment--Chapter 11, Tax Certification of Pollution Control Property. Seconded by Verlon Britt. Motion carried unanimously.*

APPROVED AS PRESENTED

**PROPOSED CONTESTED CASE DECISION--TRS INDUSTRIES, INC. AND THE CITY OF DES MOINES**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On January 21 1993, the Department issued Administrative Order No. 93-SW-01 to TRS Industries, Inc. and the City of Des Moines. That action required the parties to remove waste and compost at a permitted composting facility, and to pay a \$3,000.00 penalty. That action was appealed and the matter proceeded to administrative hearing on July 6, 1993. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on September 13, 1993. The decision affirms the injunctive portion of the Order and reverses the penalty.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy reviewed the history of this case. He stated that the department can live with with rescinding the penalty if the material would be cleaned up. He noted that the department has received an appeal from the City of Des Moines, therefore it will come before the Commission at a later date.

Discussion followed regarding the City of Des Moines involvement in this case and that the city does not feel they are responsible for the cleanup.

William Ehm asked if the appeal reopens the penalty issue.



Mr. Murphy stated that if the Commission would like to review the penalty it would be advisable to take an action to do so.

Commissioner Ehm commented that the Commission probably should have the availability to discuss the penalty.

*Motion was made by William Ehm for the Commission to review aspects of the ALJ decision relating to the penalty. Seconded by Rozanne King. Motion carried unanimously.*

**COMMISSION WILL REVIEW ALJ DECISION**

**PROPOSED CONTESTED CASE DECISION--RICHARD NEWMAN**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On May 28, 1992, the Department issued Administrative Order No. 92-SW-11 to Richard Newman. That action required Mr. Newman to remove and properly dispose of illegally disposed solid waste, and to pay a \$500.00 penalty. That action was appealed and the matter proceeded to administrative hearing on August 23, 1993. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on September 1, 1993. The decision affirms the Department's Order, with the exception of reducing the penalty to \$300.00.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

Brief discussion followed regarding the cleanup and the percentage of Administrative Orders that do not come to an appeal.

The Commission took no action; this has the effect of upholding the ALJ decision in the absence of an appeal.

**ALJ DECISION UPHELD**

**APPROVAL OF LIEN - MUSCATINE OIL, INC.; HARVEY HAYNES; AND CHUCK ECKHARDT**



Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Commission is requested to approve the attached lien. Iowa Code section 455B.396 provides that liability to the state for the costs of cleanup of a hazardous condition is a debt to the state which is a lien on real property on which the department incurs costs and expenses and which is owned by the persons liable. The Department has expended the amounts shown in the attached Notice of Lien. The matter concerns dangerous levels of petroleum fumes in a residence in Muscatine, next to an abandoned gas station at 202 Grandview Avenue. The Department was unable to get the responsible parties to abate the condition, so it retained contractors to abate the emergency condition. Initial work was done excavating in the vicinity, petroleum was removed from the abandoned tanks, and contaminated water was removed from the residential sump. The Department then sought proposals and bids for longer term abatement action, and a contractor was selected. The contractor installed a vapor and sump water control system at the residence, and has been operating that system.

The Department anticipates additional costs and expenses associated with the ongoing operation and maintenance of the vapor and sump water control system, and is preparing to approve additional work by the contractor to perform further investigation and prepare a Site Cleanup Report. Rather than coming back to the Commission month after month to approve additions to the lien, the Department is requesting that the Commission also approve future amendments to the lien, up to an additional \$50,000. If costs exceed this amount in the future, the Department will report to the Commission and seek additional approvals if necessary.

IN THE COUNTY OF MUSCATINE, IOWA

IN THE MATTER OF Muscatine Oil, Inc. Harvey Haynes Chuck Eckhardt	NOTICE OF LIEN STATEMENT OF CLAIM
----------------------------------------------------------------------------	--------------------------------------

Pursuant to Iowa Code § 455B.396, the State of Iowa and the Iowa Department of Natural Resources, gives notice of claim against real estate owned by Muscatine Oil Co. As provided in Iowa Code § 455B.396, the following legally described property is subject to a lien:

Lots 4 and 5 and East 1/2 of Lot 3, Block 12, South Muscatine, an addition to the City of Muscatine, in Muscatine County, Iowa.

The State of Iowa has incurred costs and expenses authorized under Iowa Code § 455B.392 for the cleanup of hazardous substances involved in a hazardous condition at the above described site which constitutes a debt owed to the State of Iowa. Muscatine Oil Co., Harvey Haynes and Chuck Eckhardt are parties liable for this debt.

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Expenses incurred to the date of filing of this notice are as follows. Additional expenses are expected to be incurred as work continues which may increase the amount of the lien.

On October 18, 1993, the Environmental Protection Commission approved this lien and future amendments for costs incurred up to an additional \$50,000.

	Work Period	Expenses Incurred
Terracon Environmental, Inc.	7/18/-8/14/93	\$9,773.60
Toppet Jetting Service	5/4/93	\$1,380
Roger's Backhoe Service	4/26/93	\$573.52
Terracon Environmental, Inc.	8/24/93	\$2,159.18

\_\_\_\_\_  
Larry J. Wilson, Director  
Iowa Department of Natural Resources

Dated this \_\_\_\_\_ day of,  
\_\_\_\_\_, 1993

\_\_\_\_\_  
Chairperson  
Environmental Protection Commission

Approved this \_\_\_\_\_ day of,  
\_\_\_\_\_, 1993.

Mr. Murphy explained that this is in regard to an underground tank site in Muscatine where the department could not locate a responsible party to handle the problem. The department determined to spend state and federal money to take emergency action to alleviate the problem in the residence. He related that there will be ongoing costs and staff is asking for Commission approval to amend the lien for an additional \$50,000.

*Motion was made by Charlotte Mohr to approve the Lien for Muscatine Oil, Inc., Harvey Haynes; and Chuck Eckhardt as presented. Seconded by Nancylee Siebenmann. Motion carried unanimously.*

APPROVED LIEN AS PRESENTED

**CITY OF ORCHARD--APPEAL OF VARIANCE DENIAL (TABLED)**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The City of Orchard has appealed the Department's denial of a request for variance from wastewater facility design standards requiring that lagoon systems consist of three cells. The City requests that they be allowed to construct a two-cell lagoon system. At its September 20, 1993

meeting, the Commission decided to hear this appeal directly rather than the matter proceeding through the normal Administrative Law Judge process.

The Commission considered the presentations of the parties and tabled the matter for 30 days to allow the parties to discuss resolution of the matter. The Department staff has asked the City to commit to a program of septic tank replacement and maintenance by October 15, 1993. The Commission will be updated at its October 18, 1993 meeting.

*Motion was made by William Ehm to remove the City of Orchard Appeal of Variance Denial from the table. Seconded by Rozanne King. Motion carried unanimously.*

**REMOVED FROM TABLE**

Mr. Murphy stated that he had not seen any response from the city until this moment. He related that staff had spoken to the City of Orchard's consultants a number of times in the intervening month and, on October 11, the consultant stated that the mayor would be sending DNR a letter, which was just received. Mr. Murphy reviewed that the Commission's direction last month was for staff to meet with the City and see if they would agree to some sort of action with respect to their septic tanks, and if so the department would consider granting them a variance. He related that the position of the City Council that a variance which would allow the construction of a two-cell lagoon should be granted without any conditions. They feel that since the city is a very small community, with a population count on October 4 of 81 people, that the additional cost of a three cell system is not justified since they are so close to meeting the standard for a two cell system.

Chairperson Hartsuck commented that they are basically asking to have the break point at 81 rather than 78.

Mr. Murphy noted that if the department approves some lesser standard and the city starts growing in the future, it will be an inadequate system and the problem will reoccur.

Discussion took place regarding a similar case with St. Mary's in which the department was amenable in looking at a variance because every resident had a septic tank system. Mr. Murphy noted that St. Mary's not only agreed to upgrade the existing septic tank system to meet current standards but they also agreed to a maintenance program for the system. He pointed out that the City of Orchard doesn't even know which residents do or do not have septic tanks. He related that the City does not want to pay to do the required survey or to do the upgrades and maintenance.

Nancylee Siebenmann stated that she wanted to give them the benefit of a doubt and let them come up with something and there is no choice but to insist that the department hold to their regulations.

Mr. Murphy reiterated that the standards require a three cell system if the facility exceeds one acre.

*Motion was made by Nancylee Siebenmann that on the basis that the department standards require a three cell lagoon for a population of their size and description, and that variances can only be granted in relation to an alternative approach, and since none has been offered or is available the department will hold to the standard. Seconded by William Ehm. Motion carried unanimously.*

**COMMISSION UPHELD VARIANCE DENIAL**

**SMALL BUSINESS ASSISTANCE CENTER - UNI**

Allan Stokes, referring back to Commissioner Mohr's question about the number of people assisted through the Small Business Assistance Center, informed the Commission that the center last year performed over 100 detailed assistance visits, as well as handled over 1,000 telephone calls assisting with the Emissions Inventory Questionnaire.

**REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Jerry L. and Richard Troutman (RR Bonaparte) - Solid Waste
- b. AMPEL Corporation (RR Knoxville) - Air Quality
- c. AMPC, Inc. (Crawford County) - Wastewater
- d. Jet Gas Corp. (Fairfield and New London) - Tanks
- e. Modern Piping, Inc. (Cedar Rapids) - Tanks
- f. Carson Grain & Implement (Coggon) - Tanks/Penalty
- g. Grant Halsne (Spencer) - Tanks

**Jerry L and Richard Troutman**

Mr. Murphy briefed the Commission on the history of this case involving solid waste violations and the burning of tires.

*Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.*

**REFERRED**

**AMPEL Corporation**

Mr. Murphy stated that he received a request from this party to delay the referral for one month as they are unable to attend the meeting this month.

*Motion was made by Rozanne King to table the AMPEL Corporation referral for one month. Seconded by Rozanne King. Motion carried unanimously.*

**REFERRAL TABLED FOR ONE MONTH**

**AMPC, Inc.**

Mr. Murphy stated that the counsel for AMPC contacted him and requested a meeting with staff to work out a consent decree, and staff would ask that it be tabled.

*Motion was made by William Ehm to table the referral for AMPC, Inc. Seconded by Rozanne King. Motion carried unanimously.*

**REFERRAL TABLED**

**Jet Gas Corporation**

Mr. Murphy stated that this party has now complied with the Administrative Order and therefore staff will withdraw the referral.

**REFERRAL WITHDRAWN**

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**Modern Piping**

Mr. Murphy stated that this party has now complied with the Administrative Order and therefore staff will withdraw the referral.

REFERRAL WITHDRAWN

**Carson Grain and Implement**

Mr. Murphy briefed the Commission on the history of this case involving a tank site cleanup investigation.

*Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.*

REFERRED

**Grant Halsne**

Mr. Murphy briefed the Commission on the history of this case involving failure to do a tank closure and site cleanup report.

*Motion was made by William Ehm for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously.*

REFERRED

**LANDFILL ALTERNATIVES GRANT CONTRACTS APPROVAL (CONTINUED)**

Gaye Wiekierak reported that Rosebar informed staff two months ago that they lost their contract with the University of Iowa because their costs were not competitive. She explained that they are seeking the grant to purchase a debeader and a baler so they can make their costs more competitive. She added that she does not know what their markets are but they are continuing with a playground surfacing and are now making cow mattresses. Ms. Wiekierak noted that Iowa Electric and Power expressed some interest in buying tire derived fuel from Rosebar if the costs would come down. Ms. Wiekierak told the Commission that the only cost share items purchased through the original grant were equipment purchases. The building and trailers were not paid for with cost share money. Ms. Wiekierak stated that the contract with Rosebar would be written so that they must be in compliance before they receive any grant funds.

Charlotte Mohr stated that she would like to know what the spread is between the University purchasing from outside the state and that of Rosebar. She added that it really troubles her that

there are people in Iowa who are trying to get this business up and running and then the University purchases from out of state.

Chairperson Hartsuck stated that in the end, each business has to stand on their own adding that if the University is forced to buy a higher price fuel, it is really just adding to the subsidy because that is taxpayer supported also.

Gary Priebe commented that he thought the rules state that if a facility is not in compliance they are not eligible for a grant, and Rosebar is not in compliance.

Mr. Stokes stated that following recent inspections there were some compliance problems relative to maintaining proper fire lanes, which has some relationship to the amount of shredded tires at the facility.

Gary Priebe stated that he cannot vote to approve this grant if they are not in compliance and they have too many tires, adding that the Commission has looked at other cases where grants were denied because of noncompliance. He noted that if they do it for one, they do it for all.

*Motion was made by Gary Priebe to approve the Landfill Alternatives Grant Contracts with the deletion of Rosebar Tire Shredding Center, Inc. at this time. Seconded by Rozanne King. Motion carried unanimously.*

**APPROVED GRANTS WITH EXCEPTION OF ROSEBAR TIRE  
SHREDDING**

Chairperson Hartsuck asked that staff provide the Commission with a complete report on Rosebar Tire Shredding at the next meeting.

William Ehm stated this may be an opportune time to switch the program over to a loan program.

**CONTESTED CASE APPEAL--DELL OIL COMPANY (TABLED)**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On December 20, 1991, the department issued Administrative Order No. 91-HC-08 to Dell Oil, Ltd. That action required Dell Oil to submit a remedial action plan, to implement necessary remedial action, and to pay a penalty of \$1,000.00. That action was appealed and the matter proceeded to administrative hearing on May 19 and June 2 and 3, 1992. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on September 30, 1992. The decision affirms the Order in part and reverses it in part.

Both parties have appealed this order to the Commission. The Commission heard arguments of counsel at its February, 1993, meeting, and the matter was tabled. The Department requested at



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the Commission's March, 1993, meeting that the matter again be tabled to allow the parties time to discuss settlement of the case. The parties have now reached agreement and a document stating the parties' agreement and settlement of the appeal has been distributed to the Commissioners. The parties request that the Commission approve this settlement, as a final decision on this matter.

In addition, the Department requests that the Commission issue a ruling on one issue that was not decided by the Administrative Law Judge. The issue is whether the Department has general authority to issue orders in its hazardous condition cases. A brief on this issue has also been distributed to the Commissioners.

The Proposed Decision, and pertinent documents have been distributed previously to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument. In this case, the parties are requesting that you adopt the settlement agreement. In addition, the Commission may rule on the issue of the Department's authority to issue orders in hazardous condition cases.

*Motion was made by William Ehm to remove the Dell Oil Company Contested Case Appeal from the table. Seconded by Rozanne King. Motion carried unanimously.*

REMOVED FROM TABLE

Mr. Murphy reviewed that this case came before the Commission last February and March and was deferred while the parties discussed resolution. Mr. Murphy distributed a package with the proposed Consent Judgement of the parties and noted that DNR staff and Dell Oil are agreeable to this. He noted that there are two versions of the Consent Judgement and the staff prefer the lengthier one. He asked the Commission's approval for same so it can be made part of the final decision.

Brief discussion followed.

*Motion was made by Nancylee Siebenmann to approve settlement with Dell Oil and to include in the Consent Judgement that the department does have the authority to issue orders in its hazardous condition cases. Seconded by William Ehm. Motion carried unanimously.*

CONSENT JUDGEMENT APPROVED AND ADOPTED AS FINAL  
DECISION

1994 LEGISLATION PACKAGE

Don Paulin, Deputy Director, presented the following item.

October 8, 1993

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION LEGISLATIVE PROPOSALS  
1994 LEGISLATIVE SESSION

*NOTE: The following proposals are not in order of priority.*

1. Solid waste disposal; Establish clear authority of the DNR to clean up open dump sites. This bill is necessary, following a Iowa Supreme Court decision which casts a cloud over this previously assumed authority.
2. Eliminate the 10 year moratorium on wastewater treatment plant updates; US EPA continues to maintain that failure to remove this provision from our law will be a basis for objecting to permits issued by the state, issuing federal permits to those facilities, enforcing those federal permits and ultimately initiating the process of taking back the authority for the state to run the federal waste water program in Iowa.
3. Waste oil collection sites; In three counties we are unable to identify any site where waste oil is accepted from the public. To ensure reasonable availability of a proper disposal site, staff recommends at least one site per county.
4. Bottle/can bill modifications; Many products not on the market when the bill was enacted are now being sold. They are sold in containers nearly identical to those covered; and undoubtedly would have been included in the original bill had they been sold at that time. Staff recommends expansion of products covered as well as technical changes.
5. Space for recyclables in certain new construction; Most apartment dwellers do not have the storage space to hold bulky items for recycling. New multi family construction of 24 or more units and new commercial buildings providing space for 50 or more employees would be required to provide common space for the collection of recyclables.

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION LEGISLATIVE PROPOSALS

## 1994 LEGISLATIVE SESSION

**SOLID WASTE DISPOSAL**

A recent Iowa Supreme Court ruling has placed in question the Department of Natural Resources' ability to require the clean up of open dumps. This limitation will hinder the clean up; in fact it may encourage the disposal of waste on vacant land in quiet areas in cities and rural areas. Language proposed below is intended to establish clear authority of the department to achieve the clean up of these sites. *(It might also be worth noting that the terms "public agency" and "private agency" are defined by reference to section 28E.2 of the Code. Private agencies include individuals and business entities and public agencies are federal, state and local units of government. While there are also references to persons, the concept of public and private agencies derived from Chapter 28E goes back to the earlier solid waste law which set up obligations of local governments and anticipated the use of authority in 28E would be the vehicle used to establish joint sanitary disposal projects.)*

**PROPOSED LEGISLATIVE LANGUAGE:**

Section 455B.307 is amended to read as follows:

**455B.307 Dumping--where prohibited--penalty.**

1. A private agency or public agency shall not dump or deposit or permit the dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the director, nor may any private agency or public agency maintain any solid waste disposal site or allow any solid waste to remain at any place other than a sanitary disposal project unless the agency has been granted a permit by the department which allows the dumping or depositing of solid waste on land owned or leased by the agency. The department shall adopt rules regarding the permitting of this activity which shall provide that the public interest is best served, but which may be based upon criteria less stringent than those regulating a public sanitary disposal project provided that the rules adopted meet the groundwater protection goal specified in section 455E.4. The comprehensive plans for these facilities may be varied in consideration of the types of sanitary disposal practices, hydrologic and geologic conditions, construction and operations characteristics, and volumes and types of waste handled at the disposal site. The director may issue temporary permits for dumping or disposal of solid waste at disposal sites for which an

application for a permit to operate a sanitary disposal project has been made and which have not met all of the requirements of part 1 of this division and the rules adopted by the commission if a compliance schedule has been submitted by the applicant specifying how and when the applicant will meet the requirements for an operational sanitary disposal project and the director determines the public interest will be best served by granting such temporary permit.

2. The director may issue any order necessary to secure compliance with or prevent a violation of the provisions of this part 1 of division IV or the rules adopted pursuant to the part. The director may order the person responsible for dumping or depositing, permitting the dumping or depositing, maintaining, or allowing solid waste to remain in violation of subsection 1 to clean up the site and dispose of the waste at an approved disposal site. The attorney general shall, on request of the department, institute any legal proceedings necessary in obtaining compliance with an order of the commission or the director or prosecuting any person for a violation of the provisions of the part or rules issued pursuant to the part.

3. Any person who violates any provision of part 1 of this division or any rule or any order adopted or the conditions of any permit or order issued pursuant to part 1 of this division shall be subject to a civil penalty, not to exceed five thousand dollars for each day of such violation.

Mr. Stokes explained that this proposal makes it illegal to maintain or allow the continued occurrence or continued existence of an open dump on one's property.

Discussion took place on the Supreme Court ruling regarding solid waste disposal and the department's cleanup authority.

Mr. Murphy explained that the language in the ruling was quite broad and said there is no cleanup authority in the state's statute. He noted that the generally accepted principal of law is that what the Supreme Court says must be restricted to the facts of the case.

*Motion was made by William Ehm to adopt Legislative Proposal #1 - Solid Waste Disposal, as part of the Commission's legislative package for the 1994 session. Seconded by Charlotte Mohr. Motion carried unanimously.*

**LEGISLATIVE PROPOSAL #1 APPROVED AS PRESENTED**

**ELIMINATE 10 YEAR MORATORIUM ON WASTEWATER TREATMENT PLANT UPDATES**

This provision (455B.173(3)), which prevents the department from requiring compliance with more stringent effluent limits for ten years after construction of a facility, is not consistent with the federal water pollution control act. The US EPA continues to maintain that failure to remove this provision will be a basis for initiating the process of taking back the authority of the state to run the federal waste water program in Iowa.

**PROPOSED LEGISLATIVE LANGUAGE:**

SECTION 1. Section 455B.173, subsection 3, unnumbered paragraph 3, Code 1993, is amended by deleting the paragraph.

Mr. Paulin reviewed that this bill was considered by the Commisison last year and rejected, but the department felt strong enough about it that it was taken to the legislature and no action was taken on it.

A lengthy discussion followed in regard to EPA position in this matter; the current litigation between Ames and EPA; and the need to retain primacy of the waste water program.

*Motion was made by William Ehm to adopt Legislative Proposal #2 - Eliminate 10 Year Moratorium on Wastewater Treatment Plant Upgrades, as part of the Commission's legislative package for the 1994 session. Seconded by Verlon Britt. Motion carried unanimously.*

**LEGISLATIVE PROPOSAL #2 APPROVED AS PRESENTED**

**WASTE OIL COLLECTION**

Current state law does not ensure reasonable access by the public to proper facilities for disposal of waste oil in every county in the state. In three counties, we are unable to identify any site where waste oil is accepted. In order to ensure that no Iowan is forced to drive to another county to properly dispose of used oil, it is proposed to amend the law to identify county responsibility to provide for at least one site within their jurisdiction.

**PROPOSED LEGISLATIVE LANGUAGE:**

SECTION 1. Section 455D.13, Code 1993, is amended by adding the following new subsection:  
NEW SUBSECTION. 3. Each county shall provide at least one location in the county where residents may dispose of waste oil. If a site is not otherwise available in the county, the board of supervisors shall provide one by December 31, 1994.

Mr. Paulin reviewed that a much broader proposal did not go anywhere in the legislature last year as they felt it was taking the issue too far. He expanded on the legislature's arguments against the proposal. Mr. Paulin noted that there are three counties that have no oil collection facility at all.

Charlotte Mohr commented that she hesitates to mandate to counties and not provide funds to carry out the mandates. She added that she would rather work with the counties to see if they would do it voluntarily.

Mr. Paulin described the waste oil collection program that is provided by Amoco in Des Moines.

Rozanne King commented that she can see where this could be a problem for low populated rural areas that do not have the volume to deal with it.

Mr. Paulin pointed out that the state has already mandated that it is illegal for everyone in Iowa to do anything with this oil other than take it to an approved dumping-off station. This would be an intermediate mandate which would provide Iowans a place, within reasonable distance, to legally dispose of the oil.

Chairperson Hartsuck stated that if a place is not provided for disposal, then it is going down the sewer.

Gary Priebe commented that there should be one centrally located recycling area for all recyclables in the counties that provide these facilities.

Charlotte Mohr suggest that it become a part of curbside recycling.

*Motion was made by William Ehm to adopt Legislative Proposal #3 - Waste Oil Collection, as part of the Commission's legislative package for the 1994 session. Seconded by Richard Hartsuck.*

*Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Ehm, Siebenmann, Britt, and Hartsuck. "Nay" vote was cast by Commissioners King, Mohr, and Priebe. Motion failed due to lack of a consensus of a majority of the Commission, on a vote of 4-Aye to 3-Nay.*

**FAILED TO ADOPT LEGISLATIVE PROPOSAL #3**

**BOTTLE CAN/BILL MODIFICATIONS**

The most successful recycling program established to date has been the return of beverage containers. The deposit system results in the return of over 90% of the bottles and cans currently subject to the requirement. It is obvious that the deposit program has been successful in eliminating containers subject to deposit from roadside ditches. With the increased popularity of juices, non-carbonated drinks, and other drinks in the same containers as those now subject to deposit, it is now time to include them in the "bottle bill".



As the program has matured, it has also become evident that some technical corrections would improve how the program works. First, it would be helpful to clarify the definition of a distributor. The proposed language also attempts to create a more equitable situation by requiring all distributors, not just beer distributors to provide places for redemption of crushed containers.

Modifications to two sections will accomplish these objectives:

(1) Change 455C.1 definitions, to include non-alcoholic beers and wines, and non-carbonated juices and waters. These newly marketed products are sold in the same types of containers that regulated beverages are contained in. The term "distributor" is also clarified to put all retailers on equal footing.

(2) Modify 455C.14, which deals with flattened metal beverage containers, by deleting references to "metal" and to "beer" distributors. This would require that all beverage distributors provide for collection of flattened containers.

#### PROPOSED LEGISLATIVE LANGUAGE:

SECTION 1. Section 455C.1, subsections 1 and 9, Code 1993, are amended to read as follows:

1. "Beverage" means wine as defined in section 123.3, subsection 7, alcoholic liquor as defined in section 123.3, subsection 8, beer as defined in section 123.3, subsection 10, low or non-alcoholic beers and wines, wine coolers, mineral water, soda water and similar carbonated soft drinks in liquid form or non-carbonated soft drinks, waters and juices packaged in volumes of less than 32 ounces and intended for human consumption.

9. "Distributor" means any person or business who engages in the sale or distribution of beverages in beverage containers to a dealer or retail outlet in this state, including any manufacturer who engages in such sales or distribution.

SECTION 2. Section 455C.14, Code 1993, is amended to read as follows:

1. If the refund value indication required under section 455C.5 on an empty nonrefillable metal beverage container is readable but the redemption of the container is lawfully refused by a dealer or person operating a redemption center under other sections of this chapter or rules adopted pursuant to these sections, the container shall be accepted and the refund value paid to a consumer as provided in this section. Each ~~beer~~ distributor selling nonrefillable ~~metal~~ beverage containers in this state shall provide individually or collectively by contract or agreement with a dealer, person operating a redemption center or another person, at least one facility in the county seat of each county where refused empty nonrefillable ~~metal~~ beverage containers having a readable refund value indication as required by this chapter, except for broken glass containers.



are accepted and redeemed. In cities having a population of twenty-five thousand or more, the number of the facilities provided shall be one for each twenty-five thousand population or a fractional part of that population.

2. A beer distributor violating this section is guilty of a simple misdemeanor.

Mr. Paulin stated that this proposal was also before the Commission last year and was rejected by the Commission, but the department submitted a bill to the legislature that included the technical portions of the bill. He pointed out that the main reason for the original bottle bill was to control litter in the ditches and the incentive of a nickel has worked very well. He noted that some new products since that original bill do not require a deposit and individuals collecting cans and bottles leave those containers lying in the ditches. Mr. Paulin displayed a number of containers pointing out which containers are now covered under the deposit law, along with those that are not covered and those which would be included under this proposal. Mr. Paulin stressed that the percentage of containers to be added under this proposal, in comparison to those that already require a deposit, would be very, very small.

Gary Priebe stated that he has concerns with the storing of dirty containers next to food products.

Nancylee Siebenmann commented that there are some people who contend this will affect the recycling process and will water it down. She stated that in Linn County, on November 10, they are going to have a discussion between Mary Lundby who is sponsoring the bill and those who are opposed to it. She related that she is opposed to the bill at this point in time and would prefer not to vote on this issue until she has had a chance to hear a more in-depth presentation between those groups.

Verlon Britt commented that the Commission is not going to develop all of the details of the bill so it should be included in the package and let the legislature hash it out.

Nancylee Siebenmann stated that she feels a certain personal responsibility if she is not convinced that it is a good measure in terms of public health.

*Motion was made by Nancylee Siebenmann to defer Legislative Proposal #4 - Bottle/Can Bill Modifications for one month. Seconded by Rozanne King.*

William Ehm stated that he does not think deferring the issue for one month will resolve anything. He added that there has been a bottle deposit required for years which originated with a purpose to clean up roadsides and parks rather than recycling. Commissioner Ehm related that maybe it should be raised to a ten-cent deposit. He asked in regard to the health issue how it could be any worse than it already is. He related that there will be minimal additional space required for storage.

*Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners King, Mohr, Priebe, Siebenmann, Britt, and Hartsuck. "Nay" vote was cast by Commissioner Ehm. Motion carried on a vote of 6-Aye to 1-Nay.*

**LEGISLATIVE PROPOSAL #4 DEFERRED FOR ONE MONTH**

**INCLUDE COLLECTION OF RECYCLABLES AS A REQUIREMENT IN CONSTRUCTION**

This proposal would require that new, multi-family and business construction provide facilities for the collection of recyclables, if they provide for the collection of solid waste. Collection shall include, but would not have to be limited to, paper, plastic, glass, and metal.

**PROPOSED LEGISLATIVE LANGUAGE:**

SECTION 1. Section 103A.8, Code 1993, is amended by adding the following new subsection.

NEW SUBSECTION. Require that all multi-family construction of 24 or more units, and all commercial construction providing space for 50 or more employees, which is built on or after January 1, 1995, provide facilities for and the collection of recyclables, if the collection of solid waste is provided for. Collection shall include, but is not limited to, paper, plastic, glass, and metal. The commissioner shall consult with the department of natural resources in establishing this requirement.

Mr. Paulin stated that this bill was unanimously approved by the Commission last year but did not pass in the legislature. He related that it was coupled with a mandate from State and Local Government Committee not to discriminate against the use of recycled materials and therefore it did not pass. He noted that the builders associations would agree to this type of bill if it is for apartments with 24 or more units.

Discussion followed regarding responsibility for clean up and maintenance of the recycling area in a facility; using a dumpster type recycling facility; and costs for recycling.

*Motion was made by Nancy Lee Siebenmann to adopt Legislative Proposal #5 - Include Collection of Recyclables as a Requirement in Construction, as part of the Commission's legislative package for the 1994 session. Seconded by William Ehm. Motion carried unanimously.*

**LEGISLATIVE PROPOSAL #5 APPROVED AS PRESENTED**

Mr. Paulin reviewed that at the September meeting the Commission indicated they would like to include a proposal for funding to keep the Special Waste Authorizations permit program in the department.

Discussion followed regarding sources of funding such as additional tipping or permit fees, or possibly asking organizations such as NISHNA to contribute.

Chairperson Hartsuck asked Mr. Paulin to prepare a proposal by next month and if the Commission has any ideas for funding to get in touch with Mr. Paulin.

Chairperson Hartsuck asked Mr. Paulin how he feels about Reed Craft's statement expressing concerns about retaining primacy of the state's drinking water program.

Discussion followed regarding similar proposals the last two years and what support and/or opposition there was for same.

Chairperson Hartsuck stated that he would like to see a legislative proposal to finance retention of the state's drinking water program and to get assurances that the department will be supported by industry.

#### GENERAL DISCUSSION

Nancylee Siebenmann reported on a CHEEC meeting she attended on October 1 and noted that they re-elected their current chairman for another year. She expanded on reports given by various departments.

#### ADDRESS ITEMS FOR NEXT MEETING

Report on Rosebar  
Presentation on Foundry Sand  
Legislative Proposal for Bottle/Can Bill Modifications  
Legislative Proposal to Keep SWA Program in DNR  
Legislative Proposal to Retain the State's Drinking Water Primacy

#### NEXT MEETING DATES

November 15, 1993  
December 20, 1993  
January 18, 1994 (Tuesday)

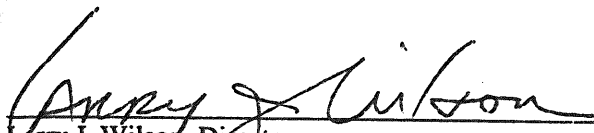
#### ADJOURNMENT

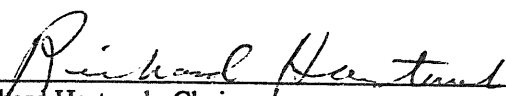
*Motion was made by William Ehm to adjourn the meeting. Seconded by Verlon Britt. Motion carried unanimously.*

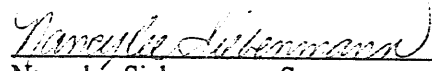
With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 3:05 p.m., Monday, October 18, 1993.

October 1993

Environmental Protection Commission Minutes

  
Larry J. Wilson, Director

  
Richard Hartsuck, Chairperson

  
Nancylee Siebenmann, Secretary

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File Name ADM-1-1-1 RECORDS COM EPC Meeting  
Initials JY Oct. 1993  
**MEETING AGENDA**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**  
**October 18, 1993**

Meeting convenes at 10:00 a.m., Monday, October 18, 1993, in the fourth floor conference room.

Public Participation

10:30 a.m.

**APPOINTMENTS:**

Dell Oil (Item #18)

1:30 p.m.

1. Approve Agenda.
2. Approve Minutes of September 20, 1993.
3. FY 95/96 Budget Request. (Kuhn) Information.
4. Interagency Agreement - University of Northern Iowa - Air Quality Small Business Assistance Center. (Kuhn) Decision.
5. Final Rule--Chapter 211, Grants for Regional Collection Centers of Conditionally Small Quantity Generators and Household Hazardous Wastes. (Hay) Decision.
6. Landfill Alternatives Grant Contracts Approval. (Hay) Decision.
7. Monthly Reports. (Stokes) Information.
8. Proposed Rule--Chapter 108, Beneficial Reuse of Foundry Sand. (Stokes) Information.
9. Notice of Intended Action--Chapters 100 and 103, Solid Waste Rules. (Stokes) Decision.
10. Final Rule--Chapter 61, Water Quality Standards Antidegradation Policy. (Stokes) Decision.
- ~~11. Notice of Intended Action--Chapters 50, 51, & 52, Agricultural Drainage Well Permits. (Stokes) Decision.~~
12. Rule Amendment--Chapter 11, Tax Certification of Pollution Control Property. (Stokes) Decision.

- delete* 13. ~~Final Rule--Chapter 22, Sulfur Dioxide Emission Offsets in Muscatine.~~  
(Stokes) Decision.
14. Proposed Contested Case Decision--TRS Industries, Inc. and the City of Des Moines. (Stokes) Decision.
15. Proposed Contested Case Decision--Richard Newman. (Stokes) Decision.
16. Approval of Lien - Muscatine Oil, Inc.; Harvey Haynes; and Chuck Eckhardt. (Stokes) Decision.
17. City of Orchard--Appeal of Variance Denial. (Stokes) Decision. (TABLED)
18. Contested Case Appeal--Dell Oil Company. (Stokes) Decision. (TABLED)
19. Referrals to the Attorney General. (Stokes) Decision.
- a) Jerry L. and Richard Troutman (RR Bonaparte)
  - b) AMPEL Corporation (RR Knoxville)
  - c) AMPC, Inc. (Crawford County)
  - d) Jet Gas Corp. (Fairfield and New London)
  - e) Modern Piping, Inc. (Cedar Rapids)
  - f) Carson Grain and Implement (Coggon)
  - g) Grant Halsne (Spencer)
20. 1994 Legislation Package. (Wilson) Decision.
21. General Discussion.
22. Address Items for Next Meeting.

**NEXT MEETINGS:**

**November 15, 1993**

**December 20, 1993**

**January 18, 1994 (Tuesday)**

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, October 18, 1993

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

ROD BRISTART

Perry Beeman

Reed J. Giff

Linda Kading

Winnie Gleason

Theresa Krehoc

Bonnie Brustad

Mike MARAVELL

Joni Yeates

Bill Trent

CLIFF SCHERRER

Amy Christensen Conch

Scott Young

Christina Gault

Jack B. Clark

Jack Kerner

John Mordant

Linda Goldstein

Pam Neely

CR Gazette

Don Register

Waterloo Water Works / IAMU

IA. Assn of Muni. UTILITIES

DSM

City of Ames Water Pollution  
Control Dept

Ames

Sen. Demo Research

DSM

Mike Cooney Law Firm

DES MOINES

Ag Processing INC.

OMAHA.

ag Processing

Omaha

GPC

Muscatine

MUSCATINE POWER & WATER

MUSCATINE

Sullivan & Ward

DM

Nyeaster

DM

Farm Bureau

WDSM

Iowa Utility Assoc

DSM

IA. Assoc. Bus. & Ind.

DSM.

Sierra Club

DSM

Iowa Hospital Assoc.

DSM

NNG

DSM

ENVIRONMENTAL PROTECTION COMMISSION

Monday, October 18, 1993

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Mark R. Schaling      Bridge Gentry Law  
Robert L. Andersen      Iowa Sportsmen Fed

DM  
DM